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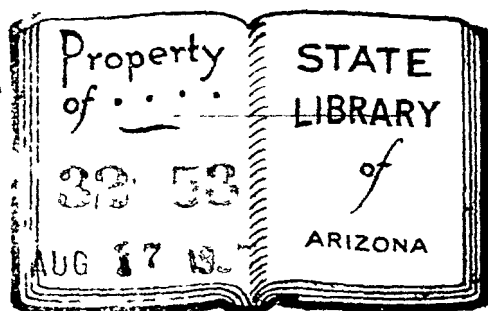
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ACTS,
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
EIGHTH LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF ARIZONA.

SESSION BEGUN ON THE FOURTH DAY OF JANUARY, AND
ENDED ON THE TWELFTH DAY OF FEBRUARY,
A D 1875, AT TUCSON



TUCSON:
OFFICE OF THE ARIZONA CITIZEN.
1875.

CERTIFICATE.

TERRITORY OF ARIZONA,

OFFICE OF THE SECRETARY.

I, COLES BASHFORD, Secretary of the Territory of Arizona, do hereby certify that the ACTS, RESOLUTIONS and MEMORIALS herein contained are printed as passed by the Eighth Legislative Assembly of the Territory, according to the enrolled copies upon file in my office.

WITNESS my hand and the seal of the Territory,
given at Tucson, this first day of March, A. D.

[L. s.] eighteen hundred and seventy-five.

COLES BASHFORD,

Sec'y of the Territory.

OFFICERS OF THE TERRITORY.

1875.

FEDERAL.

POSITION.	NAME.	LOCATION.
Delegate in Congress, term ending March 4, 1875	R C McCoimick.	Washington.
Delegate in Congress, term commencing March 4, 1875.	Hiram S Stevens	Tucson
Governor	A P. K Safford	Tucson
Secretary	Coles Bashford...	Tucson.
Chief Justice	E F. Dunne	Tucson
Associate Justice	C A Tweed	Phoenix.
Associate Justice	De Forest Porter.	Yuma.
District Attorney	James E McCaffry	Tucson
Surveyor-General	John Wasson.....	Tucson
Marshal	F H. Goodwin.. . . .	Yuma
Collector of Internal Revenue	Thomas Cordis	Prescott
U. S. Depositary	C. H. Lord	Tucson.
Deputy Collector of Customs	J W. Hopkins	Tucson.
Register of Land Office	W. N. Kelley.	Prescott.
Receiver of Land Office.	George Lount.....	Prescott.
Register of Land Office	Levi Ruggles	Florence.
Receiver of Land Office	M L Stiles.	Florence.

TERRITORIAL.

POSITION.	NAME.	LOCATION.
Adjutant-General	J. S. Vosberg	Tucson.
Auditor	A C Benedict	Tucson.
Treasurer	P. R Tully	Tucson

THE EIGHTH LEGISLATIVE ASSEMBLY.

COUNCIL.

NAME.	RESIDENCE
<i>Yavapai County.</i>	
J. P. Hargrave.....	Prescott
John G. Campbell.....	Prescott.
L S Stevens	Prescott.
<i>Maricopa County</i>	
King S. Woolsey.....	Agua Caliente.
<i>Mohave County.</i>	
A. E. Davis	
<i>Yuma County.</i>	
J. M. Redondo.....	Yuma.
<i>Pima County.</i>	
William Zeckendorf.....	Tucson.
S R De Long	Camp Bowie
P. R. Brady	Florence.

HOUSE OF REPRESENTATIVES.

NAME.	RESIDENCE
<i>Yavapai County.</i>	
C P Head	Prescott.
Hugo Richards	Prescott.
A. L. Moeller.	Prescott
Levi Bashford	Prescott.
W J O'Neil.	Kirklan Valley
Gideon Brooke	Prescott.
<i>Maricopa County.</i>	
John T Alsap	Phoenix
Granville H Oury	Phoenix
<i>Yuma County</i>	
H. Goldberg.	Yuma.
Samuel Purdy, Jr.	Yuma.
R. B. Kelley	Yuma
<i>Mohave County.</i>	
S. W. Wood.....	
<i>Pima County.</i>	
F M. Griffin.	Florence
John Montgomery	Tres Alamos.
George H Stevens	Eureka Springs.
Alphonso Rickman	Tubac.
S. H. Drachman....	Tucson.
Jesus Ma Ehas	Tucson.

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ACTS.

ACTS.

AN ACT

To change the name of David Froank to David Balz.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the name of David Froank be, and hereby is, changed to David Balz.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED January 13th, 1875.

AN ACT

To regulate the Salary of the Territorial Treasurer of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That from and after this date the salary of the Territorial Treasurer of the Territory of Arizona, shall be five hundred (\$500) dollars per annum for performing the duties as such Treasurer, and no additional sum shall be allowed for incidental or other expenses.

SEC. 2. All acts and parts of acts in contravention of this act are hereby repealed.

SEC. 3. This act to take effect from and after its passage.

APPROVED January 25th, 1875.

AN ACT

Fixing the fees of the Clerk of the District Court for naturalizing citizens.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Clerk of the District Court shall be entitled for making out naturalization papers, including all the necessary oaths, affirmations and certificates for the first papers, two dollars; for making out naturalization papers, including all necessary oaths, affirmations and certificates for the final papers, five dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED January 25th, 1875.

AN ACT

To repeal Chapter Eighteen of the Compiled Laws of Arizona, entitled "Of the Territorial Reporter."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Chapter eighteen of the Compiled Laws of the Territory of Arizona, in relation to Territorial Reporter, is hereby repealed.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act to take effect from and after its passage.

APPROVED February 1st, 1875.

AN ACT

To create the County of Pinal.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. All that portion of the Territory of Arizona now embraced within the boundaries of the Counties of Pima, Maricopa and Yavapai, and bounded as follows, to wit: Commencing at a point where the 112th Meridian of West Longitude intersects the 1st Standard Parallel South; thence West on said line to the Eastern Boundary of Maricopa County; thence South on said line to where it intersects the Second Standard Parallel South; thence East on the line of Second Standard Parallel South to where said line intersects the Eastern line of Range No. 18 East; thence due North on said line to a point where said line intersects the North line of Township No. 1 North; thence due West along said line, to the Eastern line of Range No. 7 East; thence due South to the Southern line of Township No. 2 South; thence West to a point to where said line intersects the 112th Meridian of West Longitude; thence South on said Meridian of West Longitude to the place of beginning: be, and the same is hereby formed into a County, to be known and designated as the County of Pinal.

SEC. 2. The Governor of this Territory is hereby authorized and empowered, to appoint all such County Officers in the County of Pinal, as may be necessary to effect a complete county organization under the laws of the Territory; and the Probate Judge so appointed, may qualify before any officer in the County of Pima or Maricopa, authorized to administer oaths; and all other county officers appointed as aforesaid, shall qualify before the Probate Judge of Pinal County; and the bonds of all County Officers appointed in said County, where by law bonds are required, shall be subject to his approval.

SEC. 3. All Officers except the Probate Judge, appointed in the said County of Pinal, as hereinbefore provided, shall hold their respective offices until their successors shall be duly elected and qualified and the Probate Judge appointed as before said, shall hold his office until his successor shall be duly appointed and qualified, under the general laws of this Territory.

SEC. 4. There shall be a special election held in the County of Pinal on the first Monday of March, A. D. 1875,

at which special election all county and precinct officers, except Probate Judge, shall be elected; and all officers elected at said special election, shall qualify within ten (10) days after their election, by taking the oaths and filing the bonds required by law, of such officers, and shall hold their respective offices until after the next general election, and until their successors are elected and qualified.

SEC. 5. All acts and parts of acts, relating to county and precinct officers, and their duties, now in force in this Territory, and not in conflict with the provisions of this act, are hereby extended to and made applicable to the County of Pinal.

SEC. 6. The county seat of Pinal County is hereby located at the town of Florence near the Gila river, subject to removal as hereinafter provided.

SEC. 7. At the special election hereinbefore provided for, any voter may designate upon his ballot, a place for the county seat of Pinal county; and all such votes shall be received, counted and returned, as other votes, and the place receiving the highest number of votes shall be the county seat of Pinal County.

SEC. 8. No indebtedness now existing against the counties of Pima, Maricopa or Yavapai, by reason of their county organizations, shall be considered as indebtedness against the said Pinal County, nor shall any credits, demands, public buildings, or other property of any kind, now owned by, or belonging to, said Pima, Maricopa or Yavapai Counties, be claimed or allowed, in whole or in part, as belonging to said County of Pinal.

SEC. 9. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 10. This act shall be in force and take effect from and after its passage.

APPROVED February 1st, 1875.

AN ACT

To encourage the sinking of Artesian Wells.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Any person or persons, who shall be first in obtaining a flowing stream of water, by means of an artesian well, at any point in the Territory of Arizona, not upon a United States Military or Indian Reservation, shall receive as a reward for the same, the sum of three thousand dollars, and if such flowing water be obtained at a greater depth than five hundred feet from the surface, such person or persons shall receive an additional reward of two thousand dollars for the same.

SEC. 2. When such person or persons shall obtain water, that shall continue to flow uninterruptedly for the period of six months, by means of an artesian well, as provided in section one of this act, proof of the same shall be made to the Territorial Auditor, and when satisfactory to him, that permanent flowing water has been obtained, as provided in this act, he shall draw his warrant on the Territorial Treasurer, in favor of the person or persons so obtaining flowing water for the sum to which they would be entitled under the provisions of this act, and the Treasurer shall pay the same out of any money in the Treasury not otherwise appropriated.

SEC. 3. The act entitled, "An act to encourage the sinking of artesian wells," approved February 12th, 1873, is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

APPROVED February 1st, 1875.

AN ACT

Supplemental to chapter fifty-two of the Compiled Laws of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Any incorporate town or village, within the Territory of Arizona, may become disincorporate as such town or village, under the provisions of this act, provided the same be out of debt.

SEC. 2. Whenever forty or more resident free-holders or house-holders of such town or village shall petition its Mayor and Common Council, praying that such town or village shall be disincorporated and the corporate powers thereof dissolved, it shall be the duty of the Mayor and Common Council of such town or village, to order an election to be held at such time and place as they may deem proper, not exceeding sixty days from the reception of such petition, to determine whether such town or village shall become disincorporated, or remain incorporated. Each elector voting at such election, shall have written or printed on his ballot the words, "For incorporation, Yes," or the words, "For incorporation, No."

SEC. 3. Any election under the provisions of this act shall be held in like manner as election for town or village officers, and subject to all the provisions, rules, regulations and qualifications incident thereunto.

SEC. 4. At any election under the provisions of this act, no question or subject shall be voted upon, except whether such town or village shall thereafter be incorporate or disincorporate, and if upon a canvass had of the return of said election, it shall appear that a majority of all the votes cast are in favor of disincorporation, then all power and authority of the Common Council and officers of said town or village, shall thereafter cease. If, however, it shall appear that a majority of all the votes cast are in favor of corporation, the powers and authority of said Common Council and town or village officers, shall remain the same as before said election.

SEC. 5. Whenever any town or village shall become disincorporate under the provisions of this act, all books, papers, records and titles of which said town or village is possessed, shall be deposited with the County Recorder of the county in which

said town or village is situate, and shall thereafter be and form a part of the records and archives of said county.

SEC. 6. All property of whatever character of which any disincorporated town or village shall have been seized or possessed at the time of such disincorporation, shall vest in the Board of Supervisors of the county in which the said town or village may be situated, in trust for the use and benefit of the common school fund of such town, or the school district in which such town or village is situated.

SEC. 7. All acts or parts of acts in conflict with this act shall be and are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

APPROVED February 1st, 1875.

AN ACT

Fixing the time for holding the District Courts.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The District Courts in the several counties of the Territory shall be held as follows, to wit:

First. In the county of Pima, on the second Monday of February and first Monday in August of each year.

Second. In the county of Yuma, on the third Monday of March and first Monday in December of each year.

Third. In the county of Yavapai, on the first Monday of May and first Monday of October in each year.

Fourth. In the county of Maricopa, on the first Monday of April and first Monday in September of each year.

Fifth. In the county of Mohave, on the first Monday of June and the second Monday in November of each year.

Sixth. In the county of Pinal, on the first Monday in June of each year.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED February 1st, 1875.

AN ACT

Providing for the Taxation of the net proceeds of Mines.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. All ores, tailings, and mineral-bearing material of whatever character, shall be assessed for purposes of taxation for Territorial and County purposes, in the following manner: From the gross yield, return, or value of all ores, tailings, or mineral-bearing material of whatever character, there shall be deducted the actual cost of extracting said ores or minerals from the mine; the actual cost of saving said tailings; the actual cost of transportation of said ores, mineral-bearing material, or tailings, to the place of reduction or sale, and the actual cost of such reduction or sale; and the remainder shall be deemed the net proceeds, and shall be assessed and taxed as provided for in this act. *Provided*, That in no case whatsoever, shall the whole amount of deductions allowed to be made in this section from the gross yield, return or value of said ore, mineral-bearing material or tailings, exceed the percentage, of gross yield, value or return of such minerals, ore or tailings as hereinafter specified. On all ores, tailings, or mineral-bearing material, the gross yield, value or return of which is over thirty and under sixty dollars per ton, the whole amount of deductions shall not exceed ninety percentum of such gross yield, value or return. On all ores, tailings or mineral-bearing material, the gross yield, return, or value of which is over sixty dollars, and less than one hundred dollars per ton, the whole amount of deductions shall not exceed eighty percentum of such gross yield, value or return. On all ores, tailings or mineral-bearing material, the gross yield, return or value of which is over one hundred dollars, and less than two hundred dollars per ton, the whole amount of deductions shall not exceed sixty percentum of such gross yield, value or return. On all ores, tailings or mineral-bearing material, the gross yield, return or value of which is two hundred dollars

per ton or over, the whole amount of deductions shall not exceed forty percentum of such gross yield, return or value. *Provided*, That an additional exemption of twenty dollars per ton may be allowed on all ores, tailings or minerals that are roasted before reduction; and *provided*, That all ores, tailings or mineral-bearing materials, the gross yield or value of which is less than thirty dollars per ton shall be exempt from the provisions of this act.

SEC. 2. It shall be the duty of every person, corporation, association, firm or company engaged in extracting ores or minerals in this Territory, to furnish to the Clerk of the Board of Supervisors of the county in which the mine is situated, a quarter-yearly statement, under oath or affirmation of the total number of tons of ore extracted by him or them, and the gross yield of the same in dollars and cents for each preceding three months, commencing on the first day of April, eighteen hundred and seventy-five; and for each succeeding quarter thereafter; such statement to be made and furnished to the Clerk of the Board of Supervisors of the several counties, within twenty days after the expiration of the quarter for which such statement is required. The statement required under the provisions of this act shall be substantially in the following form:

Total Amount of Tax.	Net yield or Value in Dollars and Cents.	Actual cost of Reduction or Sale.	Actual cost of Transportation to place of Reduction or Sale.	Actual cost of Extracting the same from the Mine.	Gross Yield or Value of same in Dollars and Cents.	Number of Tons Extracted for the Quarter.	Description and Location of Mine.	Names of Owners.

SEC. 3. If any person required by the provisions of this act to make such statement, shall fail, refuse or neglect for the period of thirty days after the expiration of the quarter for which such statement is required to be made, to make and furnish the same to the Clerk of the Board of Supervisors as aforesaid, it shall be the duty of the Clerk of the Board of Supervisors to notify the Assessor of his county of such failure, refusal, or neglect, and it shall thereupon become the duty of the County Assessor to proceed immediately to make an assessment as

hereinbefore provided, and for that purpose may require from the person, firm, president, superintendent, treasurer, secretary, or managing agent, or whoever has charge of the books, or mine of any person, firm, company, association, or corporation engaged in extracting ores or minerals for reduction or sale, to give under oath or affirmation, a statement as required by this act. In case of refusal of such person, firm, company, association, corporation or managing agent thereof, to give such statement; it shall then be the duty of the Assessor to make an estimate from the best sources within his reach of the number of tons of ore or minerals extracted by such person, firm, company, association or corporation, for the preceding quarter, and assess the same to him or them; and such assessment shall be binding, lawful and effectual, as if made upon a sworn or affirmed statement, as hereinbefore provided; and in any case when assessments are required to be made by the Assessor, as herein provided, such Assessor shall be entitled to receive as fees in making such assessment, the sum of thirty cents per mile for each mile necessarily traveled in going to and returning from said mine, and five dollars for making the assessment, the amount of such fees to be added to the amount of tax assessed on the mine, and collected at the same time and in the same manner as the tax is collected, which amount shall be paid over to the Assessor. *Provided*, that under no circumstances, shall the charge for fees for assessing be a charge against the county.

SEC. 4. It shall be the duty of the Clerk of the Board of Supervisors to prepare and complete a tax-list within forty days from the end of the quarter for which statements are required to be made; which tax-list, when so completed, shall be delivered to the Board of Supervisors, and if upon examination, it shall be found to be correct, the chairman of the Board shall indorse thereon his warrant for the collection of the taxes therein levied, and deliver the same to the County Treasurer of the County, who is hereby authorized to receive and receipt for all taxes levied under the provisions of this act.

SEC. 5. It shall be the duty of the Board of Supervisors of their respective counties to cause to be printed and circulated among the respective mining districts, a sufficient number of blanks as required by this act, to enable the parties interested to make the statements as required by the provisions of this act.

SEC. 6. There shall be levied and collected for Territorial and County purposes, a tax of two dollars on each one hundred

dollars of the net proceeds of mines, as returned or assessed under the provisions of this act.

SEC. 7. It shall be the duty of all persons, firms, companies, associations or corporations, against whom a tax shall have been levied under the provisions of this act, to pay the same to the County Treasurer within twenty days after the tax-list shall have been filed with the Treasurer as aforesaid; and any tax remaining unpaid after the expiration of twenty days after the filing of the tax-list with the County Treasurer, shall be deemed delinquent; and thereupon it shall be the duty of the Treasurer to furnish the Board of Supervisors with a delinquent tax-list, which shall be conformable to delinquent tax-lists as may be provided by law, and the same shall be collected as provided by law for the collection of delinquent taxes in other cases.

SEC. 8. If any person shall knowingly make or give, under oath or affirmation, as aforesaid, a false statement to the Clerk of the Board of Supervisors, or the Assessor, such person shall be deemed guilty of perjury, and upon conviction thereof, shall be punished therefor as is provided by law for the punishment of the crime of perjury.

SEC. 9. The ownership of claim to, possession of, or right of possession to any mine or mining claim, shall not be taxed.

SEC. 10. All acts and parts of acts in conflict with this Act, are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after the first day of April, 1875.

APPROVED February 4th, 1875.

AN ACT

Concerning lawful fences and animals trespassing on premises lawfully inclosed in the counties of Mohave and Yuma.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Every inclosure shall be deemed a lawful fence which is four and one-half feet high, if made of stone; and which is five feet high if made of rails, plank, or poles. If made upon the embankment of a ditch, a lawful fence shall be not less than four feet high from the bottom of the ditch, and the ditch shall be at least two and one-half feet wide at the top, and the fence shall be at least two feet high from the top of the embankment of the ditch. Said fence in all cases to be substantial and reasonably strong, and made so close that horses, mules, or horned cattle cannot get their heads through it. A lawful fence of hedge, or brush shall be at least five feet high, and sufficiently close to turn stock.

SEC. 2. Any fence, which by reliable evidence shall be declared strong and substantial, and as well calculated to protect inclosures, as either of those described in section one of this act, shall be deemed a lawful fence.

SEC. 3. If any horses, mules, jacks, jennies, hogs, sheep, goats, or any neat cattle, shall break into any grounds inclosed by a lawful fence, the owner or manager of such animals shall be liable to the owner, occupier or manager of said inclosed premises for all damages sustained by such trespass, and if the trespass be repeated by the neglect of the owner of such animal or animals, such owner or manager of said stock shall for the said second offense be subject to double the damages sustained by the owners or managers of said premises, together with costs of suit.

SEC. 4. If the owner, occupier or manager of any grounds or crops injured by any animal, or animals breaking into, or entering on grounds inclosed, or not inclosed by a lawful fence, shall kill, maim, or materially hurt, or injure any animal so breaking into, or entering on, said grounds, he shall be liable to the owner for double the actual damages sustained, and also for all costs incurred in a suit for such damages.

SEC. 5. When a fence has been erected by any person on the line of his land and the person owning the land adjoining thereto shall make an inclosure on the opposite side of such fence, so that such fence shall serve to inclose his land also, he shall pay the owner of the fence erected one half the value of so much of said fence as serves as a partition fence. When two or more persons own land adjoining which is inclosed by one fence, and either desires that a partition fence shall be made between their lands, such persons shall notify in writing the party or parties in interest, and each shall build his proportion of such partition fence, and on failure so to do within three months after such notice, such person giving such notice may build such partition fence, and collect from such other party, or parties in default, by law, a just proportion of the cost of such partition fence, together with costs of suit. Partition fences dividing lands inclosed on both sides, shall be kept in repair by all the parties in interest. If either party fails, or neglects, to repair fences after five days' notice from the other party, the party giving the notice may repair the same and collect by law a due proportion of the expense of such repairs, together with costs of suit. Any party, having built or paid for a portion of a partition fence, shall have the right to remove, or sell the same, when such fence shall cease to be a partition fence by a removal of the outside inclosure.

SEC. 6. In all cases of claims for the value of partition fences, or for repairs thereon, a lien shall attach on the land, and notice of such lien shall be filed in the County Recorder's Office as provided by law for mechanics' liens; and such claim shall draw interest from the time of such filing at the rate of fifteen per cent per annum.

SEC. 7. Hogs shall not be deemed and considered free commoners, and the owner or owners of any hog or swine that shall trespass upon the lands, or premises of any person, shall be liable to such person for any damages sustained by such trespass; and if such trespass be repeated by the neglect of the owner or owners of such hogs, or swine, he or they shall for the second offense be subject to double the damages sustained by the owner of said premises, together with costs of suit.

SEC. 8. This act shall apply to, and be of effect in the counties of Mohave and Yuma only, and shall take effect, and be in force on and after the first day of January A. D., 1876.

SEC. 9. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

APPROVED February 4th, 1875.

AN ACT

Granting Leave of Absence to John H. Marion, Treasurer of Yavapai County.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That John H. Marion, Treasurer of Yavapai County, be and is hereby granted leave of absence from the Territory of Arizona, for a period of ninety days, at any time during the year A. D. 1875. *Provided*, that said John H. Marion shall appoint a Deputy Treasurer, who shall perform the duties of his office during his absence.

SEC. 2. The absence hereby authorized shall not work a forfeiture or vacancy in office under any of the Laws of Arizona, now in force.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED February 4th, 1875.

AN ACT

To authorize the Territory of Arizona to become an exhibitor at Centennial Exhibition at Philadelphia, in 1876.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Territory of Arizona is hereby authorized for and on behalf of its citizens, to become an exhibitor at the Centennial Exhibition, to be held at the city of Philadelphia, Pa., in the year A. D. 1876.

SEC. 2. The sum of five thousand dollars is hereby appropriated, out of any moneys in the Territorial Treasury not otherwise appropriated by law, for the purpose of defraying the expenses incurred in executing the provisions of this act.

SEC. 3. There shall be elected by this Legislative Assembly an agent, whose duties are hereinafter prescribed, to represent Arizona at said exhibition, who shall be elected by a majority vote of the two houses, assembled in joint convention, and said agent shall be duly commissioned as such by the Governor.

SEC. 4. It shall be the duty of such agent to execute a good and sufficient bond to the Territory of Arizona, and to file the same with the Territorial Treasurer on or before the first day of May, A. D. 1875, in the sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the Governor, Territorial Auditor and Territorial Treasurer, conditioned that he will faithfully and fully perform all the duties that shall devolve upon him by the conditions of this act, or forfeit the amount thereof to the Territory of Arizona; and upon the filing and approval of such bond, it shall be the duty of the Governor to commission him as such agent.

SEC. 5. To aid in systematizing and concentrating articles for exhibition at a convenient point for shipment, the Boards of Supervisors of the several counties, at their regular meeting in April, next after the passage of this act, shall each appoint a sub-agent for their respective counties, whose duties shall be as follows: To receive and take charge of articles furnished for exhibition, and to supervise the boxing and shipping of said articles to the care of the agent aforesaid at Yuma, Arizona, which said articles shall all be shipped in time to reach Yuma on or before the first day of December, A. D. 1875; *provided*, that exhibitors shall pay all expenses incurred in packing said articles, and the shipment of them to Yuma; and provided further that said sub-agents may reject all articles, furnished for exhibition, which in their judgment are not of sufficient excellence to be advantageous to the Territory, or reject all of any one kind in excess, above the number, and amount necessary for a creditable exhibition, and in the exercise of this power they shall be governed, as nearly as possible, by such rules as may be prescribed by the Centennial advisory board for Arizona.

SEC. 6. It shall be the duty of each person who may furnish any article or articles for exhibition, to accompany the same with a succinct history of the production thereof, and all important facts bearing upon the same, and also such other information, if any, as the sub-agent may require, and, if demanded by the sub-agent, verify the same by oath, and the said sub-agent shall at the time of shipment to the agent

at Yuma, furnish him with a brief, but complete, statement of such information as he may have received relative to the production, extent, quality, and pertinent incident of said articles for exhibition, and also to see that all said articles accepted by him be in Yuma, on or before the first day of December, A. D. 1875.

SEC. 7. It shall be the duty of the agent to provide some suitable place at Yuma, on or before the first day of August, A. D. 1875, for the reception and safe keeping, of articles as they shall arrive from the several sub-agencies, and as soon after the expiration of time fixed by section six, for the reception of articles at Yuma, as transportation can be obtained, he shall ship said articles by water to San Francisco, California, and thence by rail to Philadelphia; and the said agent shall also personally attend to the trans-shipment of the articles at San Francisco, and personally receive the same on their arrival in Philadelphia, and he shall also cause to be fitted up with necessary stands, shelving, cases, etc., the space allotted to Arizona in the exhibition buildings, and properly arrange therein all articles for exhibition. It shall also be the duty of the agent to cause all articles to be numbered, and a corresponding number to be set down in the left hand margin of a book, opposite which several numbers, shall be given the facts as he shall have received them from the sub-agents relative to the several articles, as numbered. It shall also be the duty of the agent to be present during the entire period of the centennial exhibition, have a supervisory care over all articles from Arizona, on exhibition, and impart information regarding the same, to all seeking it.

SEC. 8. It shall be the duty of the agent at the close of said Centennial exhibition, to sell for cash, at public auction, after public notice of not less than ten days, all articles under his charge, on exhibition, and render a full and complete account thereof to the Ninth Legislative Assembly of Arizona, and he shall pay all moneys received from such sale to the Treasurer of this Territory, to be placed to the credit of the general fund; and he shall also keep a true and correct account of all expenditures of money in the execution of his duties, under this act, and submit vouchers and receipts therefor, showing in detail the objects of his outlays, to the Ninth Legislative Assembly of Arizona, and if the said Legislative Assembly shall find the same correct and just, the said agent's bond shall be void and canceled, otherwise to remain in full force, and the full sum thereof be collected of the agent, or his bondsmen, for the use and benefit of the Territory of

Arizona. The said agent shall receive in full payment for his services the sum of two thousand dollars out of the five thousand dollars appropriated by section two of this act.

SEC. 9. To enable the agent to readily and effectually discharge the duties imposed on him by this act, it shall be the duty of the Territorial Auditor, on or before the first day of December, A. D. 1875, to draw his warrant on the Territorial Treasurer, in favor of said agent, for the full sum of five thousand dollars, and the Territorial Treasurer shall pay the same on presentation, out of any moneys in the treasury not otherwise appropriated by law.

SEC. 10. In case of a vacancy in the office of agent, it shall be the duty of the Governor to appoint and commission a suitable person as such agent, and such appointee shall be subject to all the duties, requirements, and conditions imposed upon the agent by this act, and it shall not be lawful for the agent to appoint a substitute for the performance of his duties, except in case of absolute physical inability to personally discharge the same, and the services of such substitute shall at no time extend beyond the period of such absolute physical disability, and for the official acts of such substitute the agent shall be held responsible.

SEC. 11. This act shall take effect and be in force from and after its passage.

APPROVED February 5th, 1875.

AN ACT

Amendatory of chapter forty-eight of the Compiled Laws, of Proceedings in Civil Cases.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section two hundred and thirty-eight of chapter forty-eight of the Compiled Laws, is hereby amended to read as follows :

SEC. 238. The purchaser from the time of the sale until a redemption, and a redemptioner from the time of his redemption until another redemption, shall be entitled to receive from the tenant in possession, the rents of the property sold, or the value of the use and occupation thereof. *Provided*, that if the property sold is redeemed, the purchaser shall pay to the redemptioner the rents and profits he may have received from the possession of the said premises.

SEC. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED February 2d, 1875.

AN ACT

Concerning the salary of the Justices of the Supreme Court of the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There shall be paid to each of the Justices of the Supreme Court of this Territory, from the first day of January, A. D. 1875, the sum of six hundred dollars per annum as additional compensation to the salary now provided by law; and the same shall be paid quarterly upon the warrant of the Auditor of the Territory out of any money in the treasury not otherwise appropriated.

SEC. 2. The Territorial Auditor shall draw his warrants quarterly in favor of the Chief Justice and each of the Associate Justices, upon the Territorial Treasurer, for the sum of one hundred and fifty dollars.

SEC. 3. This act shall take effect immediately.

APPROVED February 8th, 1875.

AN ACT

To prescribe the fees of Justices of the Peace in certain cases.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Justices' fees in the trial of criminal cases of which Justices of the Peace have jurisdiction, shall be as follows, to-wit: For filing the complaint or deposition upon which a warrant of arrest is asked, twenty-five cents; for issuing a warrant of arrest thereon, two dollars; for an order for a jury, when a jury trial is demanded, one dollar; for swearing jury, fifty cents; for all proceedings on the trial, including the swearing of witnesses and the entry of judgment, three dollars; for all proceedings, including the filing of the complaint, issuing the warrant of arrest, and the entry of judgment upon a plea of guilty, five dollars.

SEC. 2. All fees allowed Justices of the Peace shall be taxed as costs against the defendant in case of conviction, and may be collected by execution as in civil cases, and when such fees cannot be collected from the defendant, shall be a legal charge against the county, which shall be audited by the Board of Supervisors of the proper county, as other claims are audited and paid.

SEC. 3. Upon an acquittal of a defendant or the dismissal of the prosecution, the justice may, if he find certified in his docket that the prosecution was malicious or without probable cause, enter an order taxing the costs against the prosecution or complainant, and may issue an execution therefor. *Provided*, that

this act is not intended to apply to proceedings had before a Justice of the Peace when acting as a magistrate in preliminary examinations.

SEC. 4. This act shall take effect and be in force from and after its passage.

APPROVED February 9th, 1875.

AN ACT

Concerning Interpreters.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That in all the courts of this Territory, whenever it becomes necessary to employ the services of an interpreter, that the presiding Judge or Justice thereof may appoint any suitable person, possessing the requisite knowledge of the language to be interpreted, to act in that capacity.

SEC. 2. Such interpretation, either verbal or written, shall be deemed the official interpretation of the court.

SEC. 3. If any good cause be shown why such appointment should not be made at the time of making the appointment by either party in suit, preliminary examination, or prosecution, the objection shall be heard and disposed of in a summary manner by the presiding Judge or Justice, and if the objection be sustained, such appointment shall be made as will answer the demands of substantial fairness in the interpretation.

SEC. 4. Interpreters shall receive for their services the sum of five dollars per day, commencing at the time when they shall have been sworn in, and ending when discharged by the court.

SEC. 5. In all civil business the court may require their fees to be paid into court, before the condition of verdict or judgment, to be paid by the losing party, and in all criminal business their fees shall become a county charge, and paid as other county indebtedness.

SEC. 6. This act shall take effect and be in force from and after its passage.

APPROVED February 9th, 1875.

AN ACT

To Provide for the care of Indigent Persons.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. The Board of Supervisors of the several counties of this Territory shall take care of and provide for every poor person within their respective counties who is blind, old, lame, sick or decrepit, or in any other way disabled, or enfeebled, so as to be unable to maintain him or herself, and who shall not be relieved or maintained by his or her relatives as is provided by chapter fifty-six of the compiled laws of Arizona.

SEC. 2. The said Board of Supervisors are hereby authorized and empowered to apply and pay out any moneys that may at any time be in the general fund of their respective counties, for the purpose of carrying out the requirements of section one of this act.

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

APPROVED February 9th, 1875.

AN ACT

Concerning Insurance Companies organized without this Territory.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. It shall not be lawful for any agent of any Insurance Company not incorporated under the laws of this Territory to transact the business of insurance within this Territory, unless the insurance company shall have first obtained a certificate of authority from the Territorial Treasurer, which certificate shall be issued to such agent upon his filing with said Treasurer a statement under oath showing :

First. The name and locality of the company.

Second. The amount of capital stock.

Third. The capital stock paid up.

Fourth. The amount of its accumulation, and assets and liabilities.

Fifth. Surplus as to policy holders.

Together with a written agreement under seal of the company, signed by the president and secretary thereof, and agreeing on the part of the company, that service or process in any civil action against such company may be made upon any agent of the company in the Territory, and authorizing such agent, for and in behalf of such company, to admit such service of process on him, and agreeing that the service of process upon any such agent shall be valid and binding upon the company as if made upon the president or secretary thereof.

SEC. 2. The statement referred to in section one shall be renewed annually in the month of March of each year. The first statement may be made any time.

SEC. 3. Upon filing said renewed statement, the agent shall also file therewith a statement under oath of the sum total of the premium receipts collected within the Territory, for the period elapsing since the filing of the previous statement, and shall cause such statement to be published in at least one newspaper published within the Territory, and thereupon the Treasurer shall levy a tax of one and one-half per cent upon said premium receipts, which shall be paid by said agent to said Treasurer before said certificate of authority can issue; the said tax to go into the general fund of the

Territory, and which said tax shall be payment in full of all demands for any tax on said premium receipts, or license for conducting such business of insurance.

SEC. 4. Any person, or firm in this Territory, who receives, or receipts, for any money on account of, or for any contract of insurance made by him or them, or for any such insurance company, or individual, aforesaid, or who receives or receipts for money from other persons, to be transmitted to any such company or individual, aforesaid, for a policy of insurance or any renewal thereof, although such policy of insurance is not signed by him, or them, as agent or agents of such company, or who in any wise directly or indirectly makes, or causes to be made, any contract or contracts of insurance for, or on account of such insurance company aforesaid, shall be deemed to all intents and purposes an agent, or agents, of such company, and shall be subject, and liable to all the provisions, regulations and penalties of this act.

SEC. 5. The Territorial Treasurer shall be entitled to the following fees herein: For filing statements mentioned in section one, five dollars; for issuing certificate of authority, five dollars; for issuing each subsequent certificate of authority to other agents of same company, two dollars.

SEC. 6. Any person violating the provisions of this act within this Territory shall, upon conviction in any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not more than six months, or both, in the discretion of the court.

SEC. 7. All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

APPROVED February 9th, 1875.

AN ACT.

Relating to Compulsory Education.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Every parent, guardian, or other person in the Territory of Arizona, having control and charge of a child or children between the ages of eight and fourteen years, shall be required to send such child or children to a public school for a period of at least sixteen weeks in each school year, at least eight weeks of which shall be consecutive, unless such child or children are exempted from such attendance by the Board of School Trustees of the school district in which such parents or guardians reside, upon its being shown to their satisfaction that the bodily or mental condition of such child or children has been such as to prevent his, her or their attendance at school, or application to study, for the period required, or that such child or children are taught in a private school, or at home, in such branches as are usually taught in a primary school, or have already acquired the ordinary branches of learning taught in the public school. *Provided*, in case a public school shall not be taught for the period of sixteen weeks, or any part thereof, during the year, within two miles, by the nearest traveled road, of the residence of any person within the school district, or if not sufficient accommodation for all the children are provided for within the school district, he or she shall not be liable to the provisions of this act.

SEC. 2. It shall be the duty of the Board of School Trustees of each school district, in this Territory, on or before the first Monday of September in each year, to furnish the teacher of each public school taught in such district with a list of all children, residing in the school district, between the ages of eight and fourteen years, said list to be taken from the report of the School Census Marshal. At the beginning of each school month thereafter it shall be the duty of the teacher of each school in such district to report to the Board of School Trustees of such district the names of all children attending school during the previous school month; when, if it shall appear, at the expiration of four school months, to the Board of School Trustees, that any parent, guardian, or other person having charge or control of any child or children, shall

have failed to comply with the provisions of this act, the board shall cause demand to be made upon such parent, guardian, or other person, for the amount of the penalty hereinafter provided; when, if such parent, guardian, or other person shall neglect or refuse to pay the same within five days after the making of said demand, the board shall commence proceedings in the name of the school district for the recovery of the fine hereinafter provided, before any Justice of the Peace in the township in which said school district is located; or if there shall be no Justice of the Peace therein, then before the nearest Justice of the Peace in the county.

SEC. 3. Any parent, guardian, or other person, having control or charge of any child or children, failing to comply with the provisions of this act, shall be liable to a fine of not less than fifty dollars, nor more than one hundred dollars for the first offense, nor less than one hundred dollars nor more than two hundred dollars for the second offense, and each subsequent offense, besides the costs of collection.

SEC. 4. Whenever it shall appear to the satisfaction of the Board of School Trustees of any school district in this Territory, that the parents, guardian or other person having control or charge of any child or children in attendance upon the public schools of said district, in accordance with the provisions of this act, are unable to procure suitable books, stationery, etc., for such child or children, it shall be the duty of such Board to procure or cause to be procured for such child or children, all necessary books, stationery, etc., the same to be paid out of the fund of said school district, in the same way that other claims against the school district are now allowed and paid. *Provided*, that all books, stationery, etc., purchased under the provisions of this act shall be deemed to be the property of the school district, to be under the care and control of the School Trustees when not in actual use.

SEC. 5. All fines collected under the provisions of this act shall be paid into the county treasury on the account of the Territorial School Fund.

SEC. 6. It shall be the duty of the Governor to cause to be published two thousand copies of this law, one thousand of which shall be in the Spanish language, and it shall be his duty to distribute the same to the School Trustees of the several counties of the Territory of Arizona, the expense of said publication to be paid out of the Territorial School Fund. The

Board of School Trustees shall cause to be distributed annually among the parents, guardians or other persons of their district, copies of said law.

SEC. 7. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after the first day of September, A. D. 1875.

APPROVED February 9th, 1875.

AN ACT

In relation to the sale of spirituous and malt liquors or wines at retail.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That from and after March 1st, A. D. 1875, no bill or open account or note, where the bill, open account, or note is for spirituous or malt liquors or wines by the drink or bottle shall be collectible in any of the courts of this Territory, should the amount of such bill, account or note exceed five dollars.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

APPROVED February 9th, 1875.

AN ACT

To amend chapter eleven, Howell Code, regulating proceedings in criminal cases.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There shall be added at the end of section three hundred and twenty, chapter eleven, Howell Code, and become a part of said section, the following words: "It shall be the duty of the Judge before whom any criminal prosecution is conducted, to plainly instruct the jury as to the meaning of the words 'qualified' and 'unqualified opinion,' before any question is put to the jury touching their qualifications as jurors."

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect in Pima county immediately, and in all other counties in thirty days after its passage.

APPROVED February 9th, 1875.

AN ACT

Granting leave of absence to R. N. Leatherwood, Treasurer of Pima county, Arizona Territory.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That R. N. Leatherwood, County Treasurer of Pima county, be and he is hereby granted leave of absence from the Territory for the period of six months at any time during the year eighteen hundred and seventy-five; *Provided*, that the said R. N. Leatherwood shall appoint a Deputy Treasurer who shall perform the duties of the said office during the absence of the said R. N. Leatherwood.

SEC. 2. The absence of the said R. N. Leatherwood from his county under the leave of absence granted in this act, shall not work a forfeiture of the office, nor shall it be construed to

cause a vacancy under the provisions of section four, chapter six of the Compiled Laws of Arizona, or under the provisions of any other acts or parts of acts.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED February 9th, 1875.

AN ACT

Supplemental to chapter Twenty-four of the Compiled Laws of the Territory of Arizona, concerning the registration of voters.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

QUALIFICATIONS AND DISABILITIES OF ELECTORS.

SECTION 1. Every male citizen of the United States, and every male citizen of Mexico who shall have elected to become a citizen of the United States under the treaty of peace exchanged and ratified at Queratero on the thirtieth day of May, 1848, and the Gadsden treaty of 1854, of the age of twenty-one years, who shall have been a resident of the Territory six months next preceding the election and the county or precinct in which he claims his vote ten days, and has paid his poll tax within one year next preceding the election, and whose name is enrolled on the Great Register of such county, is qualified thereof.

REGISTRATION OF ELECTORS.

SEC. 2. There must be kept in the office of the County Recorder of each county a great register.

SEC. 3. In the great register, the Recorder must, as hereinafter provided, enter the names of the qualified electors of the county.

SEC. 4. Such entry must show:

First. The name at length.

Second. The age, omitting fractions of years.

Third. The country of the nativity.

Fourth. The place of residence, giving the precinct.

Fifth. If naturalized, the time and place of naturalization.

Sixth. The date of entry of each person. Each name must be numbered in the order of its entry.

SEC. 5. No person's name must be entered by the Recorder unless:

1. Upon a certificate of registration in another county showing that such registration has been canceled and upon proof by the affidavit of the party that he is an elector of the county in which he seeks to be registered.

2. Upon the return of the Assessor of the county.

3. If a naturalized citizen, upon the production of his certificate of naturalization, or upon his own affidavit of its loss, together with the affidavit of a registered citizen to the effect that the appellant has resided in the United States for five years and in this Territory for six months next preceding the time of application, and is reported to be a citizen of the United States, and that deponent believes him to be, and proof by the affidavit of the party that he is, an elector of the county.

4. If born in a foreign country, but by his affidavit he states he became a citizen of the United States by virtue of the naturalization of his father while he was residing in the United States, and under the age of twenty-one years, upon the production of a certified copy of his father's certificate of naturalization, or upon such proof of residence and reputed citizenship as is required by the preceding subdivision, and upon proof by the affidavit of the party that he is an elector of the county.

5. Upon the production and filing of a certified copy of the judgment of a district court, or the decision of a Probate Judge, directing such entry to be made.

6. In other cases, upon the affidavit of the party that he is an elector of the county.

7. In every case the affidavit of the party shall show all the facts required to be stated in the entry on the register except the date and number of the entry.

SEC. 6. The Assessor of each county must keep a roll of electors, on which and upon like proof as is required for entry

upon the great register, he must enroll the names of electors of the county making application to him for that purpose.

SEC. 7. Such enrollment must show the same facts as are required to be shown by the entry upon the great register.

SEC. 8. The Recorder or Assessor must, upon every certificate of naturalization presented to him as evidence of citizenship, indorse and subscribe a statement of the time of presentation and of his action thereon.

SEC. 9. At the end of every month, the Assessor must return to the County Recorder a certified copy of all entries made upon his roll of electors during such month and all affidavits made for the purpose of procuring such enrollment.

SEC. 10. Upon the receipt of such returns, the Recorder must at once enter upon the great register the names contained and the statement made in such returns.

SEC. 11. The Recorder must file and preserve all affidavits returned to him by the Assessor or used before him for the purpose of registration.

SEC. 12. No person must cause himself to be registered or enrolled in one county when his registration in another remains uncanceled.

SEC. 13. There must be left opposite each name in the great register a blank for cancellation. Cancellation is made by writing in such blank the word "canceled," and a statement of the reasons therefor.

SEC. 14. The Recorder must cancel the entry in the following cases:

1. At the request of the party registered.
2. When he knows of the death or of the removal of the person registered.
3. When the insanity of the person registered is legally established.
4. Upon the production of a certified copy of a judgment of felony in full force against the person registered.
5. Upon the production of a certified copy of a judgment directing the cancellation to be made.

6. Upon the certificate of the Board of Election of any precinct sent up with the election returns, stating the death or removal, within their knowledge, of the person registered.

SEC. 15. Upon the application of the party in person, or in writing, the Recorder must give him or his agent a certified copy of the entries upon the great register relating to such party.

SEC. 16. If the Recorder refuses to enter the name of any qualified elector of the county upon the great register, such elector may proceed by action in the district court, or before the Probate Judge of the proper county, to compel such entry.

SEC. 17. Any person may proceed by action in the district court or before the Probate Judge of the proper county to compel the Recorder to cancel any entry made on the great register illegally, or that ought to be canceled by reason of facts that have occurred subsequent to the time of such entry.

SEC. 18. In an action under the authority of section fifteen, as many persons may join as plaintiffs as have causes of action.

SEC. 19. In an action under the authority of section sixteen, the Recorder and as many persons as there are causes of action against, may be joined as defendants.

SEC. 20. Costs cannot be recovered against the Recorder in any action under the authority of this chapter, unless it is alleged in the complaint and established in the trial, that the Recorder knowingly and willfully violated a plain duty.

SEC. 21. Before the first Monday of October in the year eighteen hundred and seventy-six, and in every second year thereafter, each County Recorder must make out a copy of the entries existing on the great register on the preceding Monday.

SEC. 22. In such copy, the names must be arranged alphabetically according to surnames, and must be numbered consecutively from the first to the last name, inclusive.

SEC. 23. Within fifteen days after making such list, the Recorder must have printed a sufficient number of copies thereof to supply each election precinct in the county with not less than ten copies thereof and fifty additional for every one thousand votes cast in the county at the next preceding election.

SEC. 24. The Recorder must, as soon as such copies are printed :

1. Post one copy in some public place in the court-house.
2. Transmit and cause to be delivered not less than five copies to each Election Board in the county.
3. Preserve five copies in his office for the inspection of the public.
4. Deliver one copy to each elector of the county applying therefor, until the remainder of the editions printed is exhausted.

SEC. 25. A certified copy of an uncanceled entry upon the great register is *prima facie* evidence that the person named in the entry is an elector of the county.

SEC. 26. The County Recorder for each name placed upon the great register, and the County Assessor for each name placed upon his roll of electors, shall receive the sum of fifteen cents to be paid out of the county treasury.

VOTING AND CHALLENGES.

SEC. 27. At all elections, the polls shall be opened at eight o'clock in the morning, and shall continue open until sunset, at which time the judges shall close the polls. *Provided*, that the judges of the election may take a recess of one hour at any time they may think proper during the day, before three o'clock in the afternoon.

SEC. 28. The person offering to vote must hand his ballot to the Inspector or to one of the Judges acting as Inspector, and announce his name and the number affixed to it on the printed copy of the register, if his name is thereon.

SEC. 29. The Inspector, or Judge acting as such, must receive the ballot, and before depositing it in the ballot-box, must, in an audible tone of voice, announce the name and registered number, if there be one, of the person voting.

SEC. 30. If the name is found on the copy of the great register, or if the party produces and files with the board an uncanceled certificate of registration on the great register of the county, and the vote is not rejected upon a challenge taken, the Inspector, or Judge acting as such, must, in the presence of the Board of Election, place the ballot, without being opened or examined, in the ballot-box.

SEC. 31. When the ballot has been placed in the box, one of the judges must write the word "voted" opposite the number of the person on the printed copy of the register; or if the person voted on a certificate of registration, then upon the face thereof.

SEC. 32. Any person offering to vote may be orally challenged by any elector of the county upon either or all of the following grounds:

1. That he is not the person whose name appears on the register.

2. That he has not resided in the Territory six months, and ten days in the county or precinct, next preceding the election.

3. That he has before voted that day.

4. That he has not paid his poll tax within one year next preceding the election.

5. That he has been convicted of a felony and has not been pardoned.

SEC. 33. No person who shall receive, expect, or offer to receive, or pay or promise to pay, contribute, offer, or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers, that he has not received or offered, does not expect to receive, has not paid, offered, or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election.

SEC. 34. No person shall approach the polling stand nearer than fifty feet for the purpose of electioneering or soliciting votes, or distributing tickets at any election, while the polls are open; and it shall be the duty of the constable of each precinct to see that this law is enforced; and in case no constable be present at the opening of the polls, it shall be the duty of the board of Judges of Election to appoint a special

constable for that purpose, who shall have, during the day of election, all the powers of a peace officer duly elected or appointed, and who shall be entitled to receive five dollars for his services during the day of election, together with the fees allowed by law in cases of arrest, such payment to be made from the County Treasury as other similar payments are made.

SEC. 35. Every person who willfully causes, procures or allows himself to be registered in the great register of any county, knowing himself not to be entitled to such registration, is punishable by fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both. In all cases where, on the trial of a person charged with any offense under the provisions of this section, it appears in evidence that the accused stands registered in the great register of any county without being qualified for such registration, the District Court or Probate Judge must order such registration to be canceled

SEC. 36. The Board of Election must, before it adjourns, inclose in a cover and seal up and direct to the County Recorder the copy of the great register upon which one of the judges marked the word "voted" as the ballots were received, all certificates of registration received by it, the list of the persons challenged, one copy of the list of voters, and one copy of the tally list and list attached thereto.

SEC. 37. As soon as the returns are canvassed, the Recorder must take the copy of the register returned and file it in his office.

SEC. 38. All acts and parts of acts in conflict with this act are hereby repealed, *provided*, that the provisions of this act shall in no way affect sections 57, 58, 59, 60, 61, 62, 63 and 64 of chapter 24, Compiled Laws of General and Special Elections.

SEC. 39. This act shall take effect and be in force six months from and after its passage.

APPROVED February 9th, 1875.

AN ACT

Repealing the sixteenth chapter of the Compiled Laws, entitled "An act creating the office of Attorney-General."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That chapter sixteenth of the Compiled Laws of Arizona, creating the office of Attorney-General, is hereby repealed, and that the office of Attorney-General for the Territory of Arizona is abolished.

SEC. 2. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect from its passage.

APPROVED February 9th, 1875.

AN ACT

Granting leave of absence to J. W. Owen, Treasurer of Maricopa County.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That J. W. Owen, Treasurer of Maricopa county, be and he is hereby granted leave of absence from the Territory for the period of two months at any time during the year 1875; *Provided*, that the said J. W. Owen shall appoint a Deputy Treasurer, who shall perform the duties of the said office during the absence of the said J. W. Owen.

SEC. 2. The absence of the said J. W. Owen from his county under the leave of absence granted in this act shall not work a forfeiture of the office, nor shall it be construed to

cause a vacancy under the provisions of section 4, chapter 6, of the compiled Laws of Arizona, or under the provisions of any other acts or parts of acts.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED February 6th, 1875.

AN ACT

To amend section five of an act to amend an act entitled "An act creating the office of District Attorney," approved February 13, 1873.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Section five of said act is hereby amended so as to read as follows:

§ 5. In case a vacancy shall occur in the office of District Attorney, by death, removal, or otherwise, the Board of Supervisors shall appoint some suitable person to fill such vacancy, who shall remain in office until the next general election and until his successor be duly elected and qualified, and if no suitable person can be found who will accept such appointment, the Board of Supervisors may enter into an agreement with any competent attorney to perform the duties of District Attorney for a time or term (less than the said unexpired term of office) to be specified in such agreement, and to receive from the county as compensation therefor a sum to be specified in such agreement. A minute of such agreement shall be entered in the record of the proceedings of the Board of Supervisors, specifying the person to be appointed, the time or term during which he is to serve, and the compensation he is to receive, and the Board of Supervisors shall then appoint the said attorney District Attorney of the said county, and the said District Attorney shall then file his bond and take the oath as in case of an appointment to fill a vacancy, but he shall be allowed to resign his said office at the expiration of the time or term specified in such agreement.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED February 11th, 1875.

AN ACT

To Aid the Administration of Justice in the County of Pinal.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That until the various county and township officers of the county of Pinal shall be appointed or elected and qualified, the officers duly elected and qualified of the several townships formerly in the county of Pima, but now included in the county of Pinal, shall hold the said offices and perform all the duties thereof in the same manner and with like authority as if they had been duly elected and qualified thereto in the said county of Pinal.;

SEC. 2. That for the purpose of obtaining jurisdiction of the person of a defendant, or of the subject of the action in all civil cases during the year one thousand eight hundred and seventy five, that part of Pinal county, formerly included in the county of Pima, shall be considered as part of Pima county, and during that time process from any Justice's Court of Pima county may be served by the sheriff or any constable of said county in that part of Pinal county, and process from any Justice's Court of a township in Pinal county, formerly included in Pima county, may be served by any constable of said township in Pima county, or by the Sheriff of Pima county, with like effect as if said township were still a part of Pima county.

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

APPROVED February 11th, 1875.

AN ACT

To amend Chapter 22, Howell Code, "Of Vacancies, Resignations and Removals from Office.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That there shall be added at the end of chapter 22, Howell Code, "Of Vacancies, Resignations and Removals from Office," and become a part of said act, an additional section, to be designated as section 8, as follows:

§ 8. The Governor is hereby authorized and empowered, upon good cause shown, to grant leave of absence from the Territory to any Territorial officer, under such regulations and conditions as may be deemed proper for the interests of the Territory and the performance of the duties of the office of such officer during his absence. The Board of Supervisors of the respective counties are hereby authorized and empowered, upon good cause shown, to grant leave of absence from the county or Territory, to any county officer, under such regulations and conditions as may be deemed proper for the interests of such county, by reason of the absence of such officer.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED February 11th, 1875.

AN ACT

Concerning the School Fund of Pinal County.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. In making the apportionment of Territorial school moneys during the present public school year to the several counties of this Territory, the county of Pinal shall be

credited with the number of children, between the ages of six and twenty-one years, residing in said county, as certified to the Superintendent of Public Instruction in the last annual report made to such Superintendent by the County Superintendents of Public Schools of Pima and Maricopa counties. All children of school age so reported by the County Superintendent of Pima county as being in any school districts which was then in Pima county, but the major part of which is now in Pinal county, and all children of school age so reported by the County Superintendent of Maricopa county as being in any school district which was then in Maricopa county, but the major part of which is now in Pinal county, shall be credited to Pinal county and be deducted from said Pima and Maricopa counties respectively.

SEC. 2. The number of children so ascertained as being in Pinal county shall be credited to Pinal county, the same as if they had been regularly reported from said county, and the apportionment of Territorial school moneys shall be made to said Pinal county and paid over to the County Treasurer of said county, the same as if said county had been organized at the time the reports as to the number of children in districts now within said county were made.

SEC. 3. All school moneys in the hands of the County Treasurer of Pima or Maricopa counties, which by law it would have been the duty of the County Superintendent of Pima or Maricopa counties to apportion to any School District, the major part of which is now in Pinal county, during the ensuing school year, derived from taxes levied prior to January 1, 1875, shall be paid to the County Treasurer of Pinal county, and the County Superintendents of said Pima and Maricopa counties shall draw their warrants therefor, in favor of and deliver the same to the County Treasurer of said Pinal county, whenever thereunto by said Treasurer requested, without any report from any of said Districts being made to them or either of them, farther than those which they now have from said Districts.

SEC. 4. This act shall be in force from and after its passage.

APPROVED February 11th, 1875.

AN ACT

To establish the Salaries of the Officers of the County of Pinal.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the salary of the Recorder and ex-officio Clerk of the Board of Supervisors of the county of Pinal be and the same is hereby fixed at the sum of one hundred and fifty dollars per annum.

SEC. 2. That the salary of the District Attorney of the county of Pinal be and the same is hereby fixed at the sum of one hundred and fifty dollars per annum.

SEC. 3. That this act be in force and take effect from and after its passage.

APPROVED February 11th, 1875.

AN ACT

Authorizing the County Recorder of Pima County to transcribe certain records for certain purposes.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The County Recorder of the county of Pima is hereby authorized and directed to transcribe, in books furnished him for said purpose by the county of Pinal, all records now on record in said Pima county pertaining to, or in any wise relating to the said county of Pinal.

SEC. 2. Said transcript to be in every way similar to the original record, to be properly indexed, and certified to be a correct copy of the original in every case.

SEC. 3. Upon the completion of said transcript, and upon the certificate of the Probate Judge of Pima county, or the

Judge of the District Court, that the work has been performed in accordance with the tenor of this act, the Board of Supervisors of Pinal county shall draw their warrant on the treasurer of said county in favor of the Recorder of Pima county for the amount due for transcribing said records.

SEC. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

APPROVED February 11th, 1875.

AN ACT

To Provide Revenue for the Territory of Arizona and the Several Counties Thereof.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The annual *ad valorem* tax of twenty-five cents upon each one hundred dollars' value of taxable property is hereby levied and directed to be collected and paid for territorial purposes, upon the assessed value of all property in this Territory not by this act exempted from taxation; and upon the same property the Board of Supervisors of each county is also hereby authorized and empowered to levy and collect for county purposes such additional and special taxes, not exceeding two dollars upon each one hundred dollars, value of taxable property, as the laws of this Territory may authorize or require them to levy and collect.

SEC. 2. The Board of Supervisors of each county shall, on the second Monday in August of each year, assess the amount of taxes that shall be levied for county purposes, designating the amount which shall, on each one hundred dollars of taxable property, real and personal, be levied for such purposes; and shall add thereto the amount required by this act to be levied for territorial purposes. The Board of Supervisors of the respective counties shall, prior to the first Monday of March of each year, cause to be prepared suitable books for the use of

the Assessor, in which he shall enter his assessment rolls, as herein provided; and said books shall contain suitable printed or written heads, and be ruled to conform with the form of the assessment roll as provided in this act.

SEC. 3. Every tax levied under the provisions or authority of this act, upon any real property, is hereby made a lien upon the property assessed, which lien shall attach on the first Monday in March, and shall not be satisfied or removed until the taxes are all paid or the property has absolutely vested in a purchaser under a sale for taxes.

SEC. 4. All property of every kind and nature whatsoever, within this Territory, shall be subject to taxation, except:

First. All lands and lots of ground, with buildings, improvements and structures thereon, belonging to the Territory or any municipal corporation, or to any county of the Territory, and all lands belonging to the United States or this Territory, and all buildings and improvements belonging to the United States or this Territory.

Second. Court-houses, jails, town halls, council chambers, houses occupied by fire companies and their apparatus, and other public structures and edifices, and all squares and lots kept open for health or public use, or for ornament, belonging to any county, city, town or village in this Territory; public libraries, colleges, school-houses and other buildings for the purpose of education, with their furniture, libraries, and all other equipments, and the lots or lands thereto appurtenant and used therewith, and so long as the same shall be used for that purpose; *provided*, that when any of the property mentioned in this subdivision is private property, from which a rent or other valuable consideration is received for its use, the same shall be taxed as other property.

Third. Public hospitals, asylums, poor-houses and other charitable or benevolent institutions for the relief of the indigent or afflicted, and the lots or lands thereto appurtenant, with all their furniture and equipments, all grounds and buildings belonging to agricultural societies, so long as the same shall be used for that purpose only, and without pecuniary gain.

Fourth. Churches, chapels, and other buildings for religious worship, with their furniture and equipments, and the lots of ground appurtenant thereto and used therewith; *provided*, rent is not paid for such ground, so long as the same shall be used for such purposes only without yielding rent.

Fifth. Cemeteries and grave-yards set apart and used for the purpose of interring the dead.

Sixth. The property of widows or orphan children, not to exceed the amount of one thousand dollars to any one family.

SEC. 5. The term "real estate," whenever used in this act, shall be deemed and taken to mean and include, and it is hereby declared to mean and include, the ownership of, or claim to, or possession of, or right of possession, to any land within the Territory; and the claim by, or possession of, any person, firm, corporation, association or company to any land, shall be listed under the head of real estate; *provided*, that the term "land," as used in this section, shall not be so construed as to include mining claims, either lode or placer; the term "personal property," whenever used in this act, shall be deemed and taken to mean, and it is hereby declared to mean and include, all household and kitchen furniture; all law, medical and miscellaneous libraries; all goods, wares and merchandise; all chattels of every kind and description; all money on hand or on deposit in bank or banks or with individuals; all money at interest, secured by mortgage or otherwise; gold, silver, and all other metals and minerals, solvent debts other than those mentioned in this section, when the amount thereof exceeds the indebtedness of the party assessed; stocks of goods on hand, horses, mules, oxen, cows, calves, beef-cattle, hogs, sheep, goats, jacks and jennets, and cattle of every description; wagons, carriages, buggies, omnibuses, stages, stage-coaches, sulkies, carts, drays, and all other vehicles, whether for use or pleasure or hire; all machines and machinery; all works and improvements; all store-ships and hulks; all steamers, vessels and water craft, of every kind and name, either owned in whole or in part by a resident or residents of the Territory, or navigating the waters of any river or bay within the Territory, or having a general depot or terminus within the Territory; all capital loaned, invested or employed in any trade, commerce, or business whatsoever; the capital stock of all corporations, companies, associations, firms, or individuals doing business or having an office in the Territory; the money, property and effects of every kind, except real estate, of all banks, banking institutions or firms: bankers, money-lenders and brokers, and all property of whatsoever kind or nature not included in the term "real estate," as said term is defined in this act; all personal property in the hands of any trustee, agent, administrator, executor or receiver, and all personal property, mortgaged or pledged, shall, for the purposes of taxation, be deemed to be the property of the person who has the possession thereof.

SEC. 6. The sheriff of each county, by virtue of his office, shall be the assessor of taxes and tax collector for his county,

and shall be designated as the "County Assessor" or "County Collector," as the case may be, and shall hold such office during the term for which he holds the office of sheriff.

SEC. 7. The county assessor before entering upon the duties of his office as assessor shall execute to the Territory of Arizona a bond in the penal sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the Board of Supervisors, conditioned that he will faithfully perform all the duties of his office as required by law.

SEC. 8. Before proceeding to assess the taxable property of the county, he shall take and subscribe an oath, and deposit the same in the office of the County Recorder, which oath may be in the following form:

TERRITORY OF ARIZONA, }
COUNTY OF _____ } ss.

I do solemnly swear (or affirm), that I will, to the best of my knowledge and ability, truly and fairly assess, without favor or partiality, all the taxable property of the county of _____, at its just cash value.

SEC. 9. The said county assessor may appoint such number of deputy assessors to assist in assessing the property of his county as he may deem proper; such appointment shall be in writing, and filed in the office of the County Recorder; and every such deputy, before he proceeds to execute the duties of his appointment, shall take and subscribe the oath provided in the preceding section, to be taken by the county assessor and filed in the office of the County Recorder. Such deputies, when so qualified, shall possess the same powers in making such assessments as their principal, but the county assessor shall be responsible for their acts.

SEC. 10. If any assessor, or deputy assessor, shall be guilty of neglect of any of the duties enjoined on him by law, he shall be liable to indictment in any court of competent jurisdiction, and fined in any sum not exceeding five hundred dollars.

SEC. 11. Suit may be instituted on the assessor's bond in the manner prescribed by law, for the benefit of any person who may be aggrieved by the wrongful act or conduct of such assessor or his deputy.

SEC. 12. The assessor and his deputies are hereby authorized to administer all oaths and affirmations contemplated by law in the discharge of their duties as such assessors.

SEC. 13. Between the first Monday in March and the first Monday in June in each year, the county assessor, except otherwise required by special enactment, shall ascertain, by diligent inquiry and examination, all property in his county, real or personal, subject to taxation; and also the names of all persons, corporations, companies, or firms, owning, claiming or having the possession or control thereof; and he shall then determine the full cash value of all such property, and shall list and assess the same to the person, firm, corporation, association, or company owning or having the possession, charge or control thereof. For the purpose of enabling the assessor to make such assessment, he shall demand from each person and firm, and from the president, cashier, treasurer or managing agent of each corporation, association or company within his county, a statement, under oath or affirmation, of all the real estate and personal property within the county, owned, or claimed by, or in the possession or control of, such person, firm, corporation, association or company. If any person, officer or agent shall neglect or refuse, on demand of the assessor or his deputy, to give, under oath or affirmation, the statement required by this section, the assessor shall make an estimate of the value of the taxable property which such person, officer or agent neglected or refused to render, under oath or affirmation. If the owner of any property, not listed by another person, shall be absent or unknown, the assessor shall make an estimate of the value of such property. If the name of such absent owner is known to the assessor, the property shall be assessed in his, her or their name; if unknown to the assessor, the property shall be assessed to "unknown owners."

SEC. 14. If any person shall willfully make or give, under oath or affirmation, a false list of his, her or their taxable property, or a false list of taxable property under his, her or their control, such person shall be deemed guilty of perjury, and, upon conviction thereof, shall be punished therefor as is by law provided for the punishment of perjury; and any property willfully concealed, removed, transferred or misrepresented by the owner or agent thereof to evade taxation, shall, upon discovery, be assessed at five times the amount of tax for that year which would otherwise have been assessed upon it, and fifty per cent of the amount of such additional tax, when collected, shall be paid to the person or persons who

shall furnish the information which reveals the property so concealed, transferred or misrepresented, and the remaining fifty per cent, after deducting the usual percentage for collection, shall be paid into the treasury in the same manner as other taxes.

SEC. 15. If any person shall give the assessor or his deputy a false name, or shall refuse to give his or her name, or shall refuse to give a list of property as is by this act required, or shall refuse to swear or affirm to such list, he or she shall be guilty of a misdemeanor, and shall be arrested upon complaint of the assessor or his deputy, and upon conviction before a justice of the peace, he or she shall be punished by a fine of not less than ten dollars nor more than three hundred dollars, or by imprisonment of not less than two days nor more than three months, or by both such fine and imprisonment.

SEC. 16. That the County Assessor in the several counties in this Territory, when he assesses the property of any person or persons, company or corporation liable to taxation, who do not own real estate within the county of sufficient value in the assessor's judgment to pay the taxes on both his, her or their real and personal property, shall proceed immediately to collect the taxes on the personal property so assessed; *provided*, that property in transit or temporarily in a county shall not be assessed therein, but where the owner is domiciled; and if such person or persons, company or corporation shall neglect or refuse to pay such taxes, the assessor or his deputy shall seize sufficient of the personal property of the person or persons, company or corporation so neglecting or refusing to pay to satisfy the taxes and costs, and shall post a notice of such seizure with a description of the property in three public places in the county, one of which shall be in the precinct where it is seized, and shall at the expiration of five days proceed to sell at public auction at the time and place mentioned in the notice, to the highest bidder, for cash in lawful currency of the United States, a sufficient quantity of said property to pay the taxes and expenses incurred; *provided*, that if the owner of the property received shall give bond with sufficient security to be approved by the assessor, and in an amount sufficient to cover the amount of the taxes due, the said property shall be released to him, and for this service the assessor shall be allowed a fee of six dollars and the same mileage as is allowed by law to the sheriff of the county. Upon payment of the purchase-money he shall deliver to the purchaser the property sold, with a certificate of the sale, the amount of taxes or assessment and

the expenses thereon for which the property was sold ; whereupon the title of the property so sold shall vest absolutely in the purchaser. If in any instance the county assessor shall be unable to find, seize and sell sufficient of the property of such person, persons, company or corporation to pay such taxes and costs of sale, and such person, persons, company or corporation shall neglect or refuse on request of the assessor to pay the same, or neglect or refuse to turn out property sufficient to pay such taxes and costs of sale, it shall be the duty of the assessor, if the sum exceed three hundred dollars, to go before the district court or the judge thereof at chambers, and in cases of three hundred dollars and less sums, then before a justice of the peace of the precinct wherein such party may reside, and make affidavit of the fact of assessment, the amount of taxes, the inability to find and seize property sufficient to pay such taxes and costs of sale, also the fact of neglect or refusal to pay the same or turn out property sufficient to pay the same and costs of sale ; and on the filing of such affidavit the court or judge, or justice of the peace as the case may be, shall issue a citation ordering the party to appear forthwith or at a subsequent period, not to exceed five days, before such court, judge, or justice of the peace, to answer under oath concerning his property ; such citation may be served by the assessor, sheriff, or any constable of the county, and shall be served by delivering a copy thereof to such party personally if he can be found, if not, by leaving a copy at his residence or place of business. On the examination if it shall appear that such party or parties have any money, goods, chattels or effects, the judge or justice of the peace shall order sufficient thereof to be turned out to the assessor to satisfy such taxes and costs of sale, and also costs of proceeding on the citation ; and in case of a willful neglect or refusal by such parties either to obey the order of citation or the order to pay or to turn out property aforesaid, such party or parties shall be deemed in contempt of such court, judge, or justice of the peace, and may be proceeded against as in other cases of contempt in civil cases in the courts of justice in this Territory. For services under the provisions of this section, such fees shall be allowed as for similar services in civil cases, to be collected only from parties owing such taxes ; in other respects than herein provided, the proceedings under this section shall be conducted as provided in the Civil Practice Act of this Territory, regulating proceedings supplemental to executions, and in case it appears from the affidavit of the assessor that such person or persons owing such taxes is about to abscond from the county, or is about to convey his property with intent fraudulently to evade the payment of such taxes, in such cases the citation herein

mentioned may direct the officer serving the same to arrest such party or parties and bring him, her, or them, before the court, judge, or justice of the peace issuing the same. It shall not be lawful for a party served with the citation mentioned in this section to sell or transfer his, her, or their property or effects so as to defeat the collection of taxes mentioned, or costs or any part thereof, and any person or persons so doing shall be deemed guilty of a misdemeanor, and upon conviction therefor shall pay a fine not to exceed two hundred dollars, and should the said taxes fail to be collected by such process, then no future liability shall attach to said assessor therefor. All excess over the taxes and costs of the proceeds of any such sale must be returned to the owner of the property sold, and, until claimed, must be deposited in the hands of the county treasurer, subject to the order of the owner, his heirs or assigns. The unsold portion of any property may be left at the place of sale at the risk of the owner. The assessor shall be governed as to the amount of taxes to be by him collected on the afore-said personal property by the territorial and county rate of the previous year. The assessor on the first Monday of each month must make a settlement with the county treasurer and pay into the county treasury all moneys collected by him for such taxes during the preceding month, less the compensation allowed him for making such collections. The assessor must, as soon as he has collected the taxes on such personal property, give the owner a receipt therefor and mark the same paid, together with the amount opposite the name of the owner in his "Assessment Book."

SEC. 17. The assessor and his sureties shall be and they are hereby made liable for all the taxes on all taxable property within the county, when, through his neglect, it remains unassessed; and it is hereby made the duty of the district attorney of such county to commence suit against such assessor and his sureties, for the amount of taxes due on property not assessed by him; *provided*, that such suit shall not be commenced until after the assessor shall have completed the assessment roll each year.

SEC. 18. It shall be the duty of the assessor to prepare a tax list or assessment roll, alphabetically arranged in the book or books furnished him by the board of supervisors for that purpose, in which book or books shall be listed or assessed all the real estate and personal property within the limits of the county, and in said book or books he shall set down in separate columns:

First. The name of the taxable inhabitants, firms, incorporated companies or associations, in alphabetical order if known;

if unknown, the property shall be assessed to "unknown owners;" and if any person shall refuse to make a statement of his property under oath, as required by this act, that fact shall be noted under his name.

Second. All real estate taxable to each inhabitant, firm, incorporated company or association, described by metes and bounds, or by common designation or name; if situate within the limits of any city or any incorporated town, describing by lots or fractions of lots; if without said limits, giving the number of acres as nearly as can conveniently be ascertained, and the location and township where situate; all improvements upon public lands, describing as nearly as possible the location of such improvements; *Provided*, that when two or more parties claim or give a description of the same land, it shall be assessed to each party making such claim or giving such description, according to the estimated value of the claims of each.

Third. The cash value of real estate and the improvements thereon.

Fourth. The cash value of all improvements on real estate, where the same is assessed to a person other than the owner of said real estate.

Fifth. The cash value of all personal property taxable to each person.

Sixth. The total value of all property taxable to each, and no further description of personal property than that required by the foregoing provisions of this section shall be needed or be requisite to render the assessment binding and effective; and the description of real estate shall be sufficient if the same can be readily identified thereby.

Seventh. He shall also place in a separate column, opposite the name of each person liable to pay a poll-tax the figure (1).

The form of assessment roll shall be substantially as follows :

TAX-PAYER'S NAMES.	Description of property	Lot.	Block.	Range.	Number of acres.	Value of lands and improvements.	Value of improve- ments on real es- tate assessed to persons other than the owners of said real estate.	Value of personal property.	Poll-tax.	Total value.
						**	**	**	**	**

The assessors shall also, in a book, make a map or plan of the various blocks within any incorporated city or town, and shall mark thereon the various subdivisions as they are assessed, and in each subdivision he shall mark the names of the person to whom it is assessed.

SEC. 19. On or before the third Monday in June of each year, the assessor shall complete his tax list, or assessment roll, and shall attach his certificate thereto, and deliver it and the map, book, and all of the original lists of property given to him to the clerk of the board of supervisors; and as soon as he receives said assessment roll, the clerk of the board of supervisors shall give notice of the fact, specifying therein the time of the meeting of the board of equalization by publication in one newspaper, if there be one published in the county, and if none, then in such manner as the board of supervisors shall direct; and he shall keep the roll open in his office for public inspection.

SEC. 20. The supervisors of the county shall constitute a board of equalization, of which board the clerk of the board of supervisors shall be clerk. The board of equalization shall meet on the first Monday in July, and shall continue in session, from time to time, until the business of equalization presented to them is disposed of; *Provided*, however, that they shall not sit after the last day of July, except as in this section provided. The board of equalization shall have power to determine all complaints made in regard to the assessed value of any property, and may change and correct any valuation, either by adding thereto, or deducting therefrom, if they deem the sum fixed in the assessment roll too small or too great, whether said sum was fixed by the owner or the assessor; and if the board of equalization shall find it necessary to add to the assessed valuation of any property on the assessment roll, they shall direct their clerk to give notice to the persons interested, by letter deposited in the post-office or express or otherwise, naming the day when they shall act in that case, and allowing a reasonable time to appear. As soon as possible after the adjournment of the board of equalization in July, its clerk shall make out a list of all persons the valuation of whose property has been added to, with the amounts so added, on the assessment roll, who have not appeared before the board, and a list of all property the valuation of which has been added to on the assessment roll, with the amounts so added, the owners of which have not appeared before the board, and the board of supervisors shall cause the same to be published in one newspaper in the county, if there be any; and if not, then by

posting one copy of the same in a public and conspicuous place in each township in the county. And any person, to the assessed value of whose property there was an amount added, not appearing before the board in July, may appear before the board in August, and, upon making affidavit that he had no knowledge of such increased valuation of his property, he shall have a hearing before the board of equalization; and the determination then had shall be final. And the clerk of the board of equalization shall note all changes made and report the same to the treasurer, who shall make the changes required on the original assessment roll, and the treasurer shall, in his next regular statement to the Territorial Auditor, report such changes in such statement. During the session of the board of equalization the assessors shall be present, and also any deputy whose testimony may be required by the parties appealing to the board, and they shall have the right to make any statement touching such assessment, and producing evidence relating to questions before the board. And the recorder of the county shall also be present and attend on the board of equalization, with an abstract of all unsatisfied mortgages and liens remaining upon record in his office, arranged in alphabetical order; and the board of equalization shall make use of such abstract, and of all other information that they can gain from the county recorder in the recorder's office, or otherwise, in equalizing the assessment roll of the county, and may require the assessor to enter upon such assessment roll any such mortgage or liens, or other property, which has not been assessed; and the assessment and equalization so made shall have the same force and effect as if made by the assessor before the delivery of the assessment roll to him by the clerk of the board of equalization. A quorum of the board of supervisors shall be sufficient to constitute the board of equalization, and a majority of the members present shall determine the action of the board.

SEC. 21. During the session, or as soon as possible after the adjournment of the board of equalization, its clerk shall enter upon the assessment roll all changes and corrections made by the board, and thereupon deliver the assessment roll so corrected to the county treasurer, whose duty it shall be to add up the columns of valuation, and enter the total valuation of each description of property on the roll, and on or before the third Monday of August he shall deliver a true copy of the corrected roll, to be styled a "Duplicate Assessment Roll," with territorial, county and other taxes, and totals of taxes, to each person, carried out in separate money columns, with his certificate thereto attached, and also the map or plat book to the tax collector.

SEC. 22. As soon as the board of supervisors shall have made the determination and estimate provided for in the preceding section, the county assessor shall proceed to assess taxes for the amount as estimated, adding thereto, and to all other taxes required by law to be assessed by him, not more than ten nor less than three per cent, as shall be directed by the board of supervisors, for collecting expenses upon the taxable property of the county, according and in proportion to the individual and particular estimate and valuation as specified in the assessment roll for the year.

SEC. 23. In making such assessment, the value and tax of each particular species of property, as assessed, shall be put down in separate columns, which shall constitute the tax roll for the year.

The following form may be used for that purpose :

1	2	3	4	5	6	7	8
Names of persons taxed.	Description of real estate.	Value of real estate.	Taxes on real estate.	Value of personal property.	Tax on personal property.	Poll tax.	Total tax.
		*	*	*	*	*	*

SEC. 24. Such tax roll shall be completed on or before the third Monday in August, and delivered to the board of supervisors for their inspection, who shall carefully foot up the several taxes therein levied, and shall give to the county treasurer a statement thereof; and such county treasurer shall immediately charge the amount of such taxes to the county collector. If such tax roll is found to be correct, the chairman of the board of supervisors shall annex thereto immediately, under his hand, a warrant commanding such collector to collect from the several persons named in said roll, the several sums mentioned in the last column of such roll, opposite their respective names, retaining in his hands the amount of his fees, and to account for and pay over to the county treasurer the

amounts therein specified on or before the second Monday of December then next.

SEC. 25. The sheriff, before entering upon his duties as *ex-officio* tax collector, shall execute to the Territory of Arizona a bond in the penal sum of twenty thousand dollars, or in a greater sum if the board of supervisors of the county require it, with two or more sufficient sureties, to be approved by the board of supervisors, conditioned that he will faithfully perform all the duties of his office as required by law, and pay over to the county treasurer of the proper county all moneys received by him as tax collector of said county; *Provided*, that no bond shall be required in a greater sum than twice the amount of taxes to be collected in such county.

SEC. 26. If any county collector shall neglect or refuse to give the bond required in the preceding section, a majority of the board of supervisors are hereby authorized to appoint some suitable person to be county collector, who shall take the oath of office required by law and execute the bond required of the county collector, and when so qualified shall receive the tax-roll and warrant, and collect and return the taxes thereon in the manner provided in this act; *Provided*, that if any vacancy occur in the office of county collector by death, inability or otherwise, the board of supervisors may at any time fill the vacancy agreeably to the provisions of this section.

SEC. 27. The tax collector shall have the power of appointing one or more deputies to aid in his official duties, for whose conduct he shall be responsible.

SEC. 28. If any tax collector, or his deputy, shall willfully neglect or refuse to perform any of the duties enjoined on him by the provisions of this act, he shall be guilty of a misdemeanor in office, and, on conviction thereof, shall be punished by imprisonment in the county jail, not more than one year, or by a fine of not less than two hundred nor more than one thousand dollars, or both such fine and imprisonment, and shall be forthwith removed from office.

SEC. 29. The tax collector shall, on the first Monday in each month, return to the treasurer a list of all collections made under the preceding section; and it shall be the duty of the treasurer to mark the word "paid" on the assessment roll opposite the name of each party whose taxes are so paid, as soon as the same shall have been delivered to him.

SEC. 30. Every county collector, upon receiving the tax-roll and warrant, shall proceed to collect the taxes therein mentioned, and for that purpose shall call at least once upon the person taxed, if a resident, or at the place of his usual residence in the county, and shall demand the payment of the taxes charged to him on such list.

SEC. 31. Whenever any tax is paid to the tax collector he shall mark the word "paid" and the date of payment in the duplicate assessment roll, opposite the name of the person on, or description of the property liable for such tax, and shall give a receipt therefor, specifying the amount of the assessment, the amount of the tax, and a description of the property assessed; but no tax collector shall receive any taxes on real estate for any portion less than the least subdivision entered on the assessment roll; *Provided, always*, that an owner of undivided real estate may pay the portion of taxes due on his interest therein.

SEC. 32. On the third Monday of December in each year, the tax collector shall, at the close of his official business on that day, enter upon the duplicate assessment roll a statement that he has made a levy upon all property therein assessed, the taxes upon which have not been paid; and shall immediately ascertain the total amount of taxes then delinquent and file in the office of the treasurer a statement of said amount, verified by the oath of himself or deputy; and shall proceed to make out, and file in the office of the treasurer, a list of all persons and property then owing any taxes, verified by the oath of himself or deputy, which list shall be completed by the last day of December, and shall be known as the "Delinquent List;" and, to enable the tax collector to make out said list, no taxes shall be received by him on the duplicate assessment roll after the second Monday in December.

SEC. 33. The tax collector shall, on the first Monday in each month, pay to the county treasurer all money in his hands belonging to or collected for the use of the Territory or county; and shall, on the same day, present to the board of supervisors the treasurer's receipt for said money; and shall, at the time, deliver to the board of supervisors, under oath, a true and correct account of all his transactions and receipts since his last settlement as collector of Territorial and county taxes; and shall also state, under oath or affirmation, that all the money collected by him as tax collector has been paid, which account and statement shall be filed in the office of the board of supervisors. On the third Monday in December, in each

year, the tax collector shall attend at the office of the board of supervisors, with his duplicate assessment roll, and the treasurer and the tax collector shall then carefully compare the said duplicate assessment roll with the original, marking on the original the word "paid" opposite the name of each person whose taxes have been paid, or opposite the description of the property upon which taxes have been paid; and the treasurer shall then and there administer to the tax collector an oath which shall be written and subscribed on the original and duplicate assessment roll, to the effect that each person and all property assessed in said roll on which taxes have been paid has the word "paid" marked opposite the name of such person or the description of such property; and the treasurer shall then foot up the amount of taxes remaining unpaid, and credit the tax collector with the amount; and shall make a final settlement with the tax collector of all taxes charged against him on account of said assessment roll. On or before the last day of December, the county treasurer shall transmit by mail to the Territorial Auditor a statement in such form as the Territorial Auditor may require, of all and of each particular kind of property delinquent, and of the total amount of delinquent taxes. For the services required by this section the tax collector shall receive no fee or compensation whatever.

SEC. 34. If any tax collector shall refuse for a period of five days, or willfully neglect to make the payments and settlements with the treasurer and board of supervisors of his county, as in this act specified, he and his sureties shall be held liable to pay the full amount of taxes charged upon the assessment roll; and the district attorney, on being instructed to do so by the board of supervisors of the county, shall cause suit to be brought against such tax collector and his sureties for the full amount due on the treasurer's books, and, if any such suit is commenced, no credit or allowance whatever shall be made to such refusing or neglecting tax collector for delinquent taxes outstanding.

SEC. 35. The county treasurer shall, within three days after receiving such delinquent list, deliver the same to the district attorney of his county, duly certified by him, and shall, at the same time, publish a notice in some newspaper printed in said county, if there be any, and if not, then by posting notices in three public places in said county, that said delinquent list has been so deposited with the district attorney, and that unless the delinquent taxes therein specified are paid to the district attorney within twenty days from the publication or posting of such notice, action will be commenced by said district at-

torney for the collection of such taxes and costs. Said treasurer shall make or procure and file with the district attorney, immediately, an affidavit stating the contents of said notice and the manner and time of such publication or posting, as required in this section. The district attorney, before receiving the delinquent list, as provided in this section, shall enter into such additional bond as may be required by the board of supervisors.

SEC. 36. The district attorney of the several counties of this Territory are hereby authorized and directed, immediately after the expiration of the time specified in the preceding section of this act, to commence actions in the name of the Territory of Arizona against the person so delinquent, and against the real estate and improvements assessed so delinquent, and against all owners or claimants to the same, known or unknown; such action may be commenced in the county where such assessment is made before any justice of the peace or court in said county having jurisdiction thereof; and such jurisdiction shall be determined solely by the amount of delinquent tax sued for, not regarding the location of the land as to township, nor the residence of the person as to town, township, county or Territory.

SEC. 37. The complaint in said action may be as follows:

THE COUNTY OF	}	<i>Title of the Court.</i>
VS.		
A. B. & Co., and the real estate and improvements in [describing them].		

The county of _____, by H. Y., district attorney of the county of _____, complain of A. B _____, and also the following real estate and improvements [describing them with the same particularity as in actions of ejectment or actions for the recovery of personal property], and, for cause of action, say:

That, between the first Monday in _____ and the first Monday in _____, A. D. 18 _____, in the county of _____, in the Territory of Arizona, O. P., then and there being county assessor of said county, did duly assess, and set down upon an assessment roll, all the property, real and personal, in said county, subject to taxation, and that said assessment roll was afterward submitted to the board of equalization of said county, and was by said board duly equalized, as provided by law; that said A. B. was then and there owner of, and that there was duly assessed to him, the above-described real estate,

improvements upon real estate and certain personal property ; and that upon such property there has been duly levied, for the fiscal year A. D. 18 , a Territorial tax of dollars, and a county tax of dollars, amounting in the whole to dollars, all of which is due and unpaid. Wherefore, said plaintiffs pray judgment against A. B. for the sum of dollars [the whole of said tax], and separate judgment against said real estate for the sum of dollars [the tax thereon] and for such other judgment as to justice belongs, and for all costs subsequently to the assessment of said taxes and of this action.

H. Y., District Attorney,
County of

Provided, that if the property be assessed to an unknown owner, then any fictitious name may be inserted to represent such owner as defendant.

SEC. 38. Whenever any tax which shall have been, or which may hereafter be assessed on personal property in this Territory, shall be returned as delinquent, under the provisions of this act it shall be the duty of the district attorney of the county in which any such tax is returned, in the name of the Territory of Arizona, to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use and take all ways and means provided by law for the collection of debts to enforce the payment of any such tax ; and the complaint in any such action shall be sufficient if it conform in substance to the requirements of the preceding section of this act.

SEC. 39. Upon filing a complaint in a district court, or before a justice of the peace, a summons shall be issued, as provided in civil cases, and shall be served by delivering a copy thereof to each defendant named ; and, as to said real estate, by delivering a copy thereof to the person or persons in possession of the same ; and, further, as to all real estate, by posting a like copy in some public place thereon ; *Provided*, that if any personal defendant cannot be found in the county in which said action is brought, then service may be made upon such defendant by posting a copy of the summons, for twenty days at the court-house door of said county ; and *provided, further*, that in any suit for taxes brought before a justice of the peace, under the provisions of this act, it shall be necessary to serve a copy of the complaint upon any defendant.

SEC. 40. Executions issued upon judgments rendered for any such tax may be levied upon any property liable to be seized and sold under execution, and the proceedings of an

officer with any such execution shall be the same in all other respects as are now directed by law.

SEC. 41. The production of any tax or assessment roll on the trial of any action brought for the recovery of a tax therein assessed may, upon proof that it is the original assessment roll or the tax roll, with the warrant annexed of the county named, as the plaintiff in such action, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality and regularity of the same; and the court before whom the case may be pending shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax, or that such property is exempt from taxation under the provisions of this act, or that he had no claim, title or interest in the property assessed at the time of assessment, and no stay of execution shall be allowed on any such judgment.

SEC. 42. Chapter 48, Howell's Code, "Of Proceedings in Civil Cases," and the several amendments thereto, so far as the same are not inconsistent with the provisions of this act, are hereby made applicable to proceedings under this act; and any deed derived from a sale of real property under this act, shall be conclusive evidence of title, except as against actual frauds, or prepayment of the taxes by one not a party to the action, or judgment in or upon which sale was made, and shall entitle the holder thereof to a writ of assistance from the district court to obtain possession of such property. *Provided*, that the sheriff, in selling such property, shall only sell the smallest quantity that any purchaser will take and pay the judgment and all costs; and *provided, further*, that when property sold belongs to minors or persons under legal disabilities, they shall have until six months after said disability is removed to redeem said property by paying the whole amount of the judgment, and all subsequent taxes and interest paid by and due to the purchaser at said sale; but this provision shall not apply when the executor or administrator of the estate, or the father, or, in case of his death, the mother or guardian of such minor children, has been personally served with process; and *provided, further*, that the real estate so sold for taxes may be redeemed from such sale, as in case of sale upon execution, as provided in other civil cases, by paying to the sheriff the total amount of the judgment and all costs, with thirty per cent thereon; and *provided, further*, that if the same is paid within three months from the date of certificate of sale, it shall be for the total amount of the judgment and all costs,

with fifteen per cent thereon. All moneys collected under this act, except costs and charges, shall, without delay, be paid to the treasurer of the county, to be distributed to the proper funds; and each collection and the date thereof shall be entered opposite the proper name or property in the delinquent tax list, which shall be open to public inspection.

SEC 43. Fifteen per cent shall be added to the original amount of all delinquent taxes, and shall be collected by the district attorney as part of the delinquent taxes, five per cent of which shall be paid into the county treasury, to the credit of the general fund, and the remaining ten per cent shall be retained as fees by the district attorney. In case of suit being brought there shall be allowed to all officers, except district attorneys, the fees allowed in other civil cases. The district attorney shall be allowed for each suit prosecuted to judgment in the district court, fifteen dollars; if settled after suit brought, and before judgment, ten dollars; for each suit prosecuted to judgment before a justice of the peace, five dollars; if settled after suit brought, and before judgment, three dollars; to be taxed in all cases as costs against the defendant. All officers shall perform such services as may be required of them under this act, without the payment of fees in advance; all costs shall be taxed and entered in the judgment against the person, and real estate and improvements, when the judgment is the same against all; or, if the judgments against the person and property are for different sums, then the costs may be apportioned by the courts as the same may be deemed just; *Provided*, that no fees or costs shall be paid to any officer or district attorney unless the same be collected from the defendants.

SEC. 44. The district attorney shall, on receipt of any money for taxes, enter the same on his delinquent list, opposite the name of the person delinquent, or opposite the description of the property, and shall, on the first Monday in each month after the time fixed in this act for the commencement of actions against delinquent tax payers, pay to the county treasurer all moneys collected by him for taxes, taking duplicate receipts for the amount so paid; one of which receipts he shall, on the same day, file with the clerk of the board of supervisors, and shall, at the same time, file with said clerk of the board of supervisors a list of all judgments obtained by him up to that date, for taxes under the provisions of this act, stating therein the names of the defendants, if known, or if unknown, a description of the property, the amount of each judgment, and the name of the court or jus-

tice in which, or before whom, said judgment was obtained; he shall, on the Saturday next preceding the first Monday in May in each year, pay to the county treasurer all moneys received by him for taxes and not previously paid over, taking duplicate receipts therefor, one of which shall in like manner be filed with the clerk of the board of supervisors; and shall at the same time file with the clerk of the board of supervisors a list of all judgments obtained by him and not previously filed as herein provided; he shall, also, on the day last mentioned make and file with the board of supervisors an affidavit stating that he has paid to the county treasurer all moneys collected by him for taxes prior to that date, and filed the receipts therefor, and that the several lists filed by him, as herein directed, contain all judgments obtained by him under the provisions of this act. On the first Monday in July in each year, the district attorney shall attend at the meeting of the board of supervisors with the delinquent list or lists, and the board of supervisors shall then carefully compare the same with the treasurer's receipts and statements filed by the district attorney; and, if the same shall be found to be correct, the chairman of the board of supervisors shall give the district attorney a receipt specifying the same. The district attorney shall at the same time deliver to the treasurer a written statement of all delinquent taxes upon said delinquent list or lists remaining uncollected, or for which suit has not been brought, with his reasons in detail for not being able to collect the same, or for not bringing suit; and the treasurer shall immediately file the said delinquent list or lists and statement with the clerk of the board of supervisors, and the board of supervisors shall revise the same by striking off such taxes as cannot be collected; the delinquent list or lists shall then be returned to the treasurer, who shall note the changes made, and shall then return the same to the district attorney. The treasurer shall, in his next report to the territorial auditor, state the amount stricken off the delinquent list or lists by the board of supervisors.

SEC. 45. If any district attorney shall fail or refuse to pay the county treasurer, as provided in this act, any money collected by him for taxes, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be forthwith removed from office, and shall be punished by a fine in any sum not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment.

SEC. 46. Each male inhabitant of this Territory, over the

age of twenty-one and under sixty, and not by law exempt from poll tax, shall pay a poll tax for the use of the Territory and county of three dollars, fifty per cent of the net proceeds of which shall be paid into the county treasury for county purposes; the remaining fifty per cent of the net proceeds to be paid into the county treasury for the use of the Territory, *Provided*, such male inhabitant shall pay the same to the assessor between the first Monday of January and the third Monday of December in each year; in default of paying the same to the assessor within the time specified, the collection of such poll tax shall be enforced by the county collector, whether the name of such inhabitant be on his tax roll or not, and the collector shall receive fifty cents for each six dollars of poll tax by him lawfully collected in each year.

SEC. 47. The county treasurer shall, on or before the first Monday of January in each year, cause proper blank receipts for the poll tax of citizens provided for in this act to be printed of a uniform appearance, changing the style thereof each year, and sign a number of them equal to the probable number of inhabitants in his county liable to pay poll tax, and shall number them, or so many of them as may be required, and make an entry thereof in a book to be kept for that purpose, and thereupon deliver them to the clerk of the board of supervisors, who shall in turn likewise sign them and make an entry thereof in a book to be kept by him for that purpose.

SEC. 48. The clerk of the board of supervisors shall, from time to time, issue to the tax collector so many of the receipts for poll tax as he may need, taking his receipt therefor.

SEC. 49. No receipts for poll tax other than those mentioned in the forty-seventh section of this act shall be used or given for the payment of any such tax; and any tax collector who shall receive any poll tax without delivering the proper receipt required by law shall be guilty of a misdemeanor for each poll tax so received, and on conviction thereof shall be punished by imprisonment in the county jail, not less than three months nor more than one year, and by a fine not less than one hundred nor more than one thousand dollars for each offense, or by both such fine and imprisonment.

SEC. 50. Upon receiving such receipts from the clerk of the board of supervisors, the tax collector shall give a receipt to said clerk of the board of supervisors for the same; and the said clerk of the board of supervisors shall immediately

charge the same to the tax collector so receiving them. All receipts delivered to the tax collector shall be filled out with the sum of three dollars, and three dollars shall be charged to him for each one so delivered.

SEC. 51. The board of supervisors of each county shall exact (if they deem it desirable) an additional bond from the tax collector, with additional sureties in such penal sums as the said board shall believe to be necessary to insure the prompt and faithful payment to the county treasurer of all moneys received by such tax collector for poll tax.

SEC. 52. No person shall be deemed or held to have paid his poll tax unless he be able to exhibit a receipt therefor, issued from the office of the county treasurer, or otherwise prove the payment of the same.

SEC. 53. Any person or persons who shall pass, sell or transfer, or attempt to pass, sell or transfer, or who shall forge or fraudulently issue, any receipt or receipts for poll tax contrary to the spirit or intention of this act, shall be guilty of felony, and on conviction thereof shall be punished by imprisonment in the Territorial penitentiary for not less than one year nor more than two years.

SEC. 54. To enforce the collection of poll taxes, the collector may seize so much of every and any species of property, right, claim or possession whatever, claimed or in the possession of any person liable to and refusing to pay his poll tax, or in possession of any other person, and belonging to such person so refusing to pay such poll tax, as will be sufficient to pay such poll tax and cost of seizure and sale, and may sell the same at any time or place, upon giving a verbal notice an hour previous to such sale, and any person indebted to another liable to a poll tax, who shall neglect or refuse to pay the same, may pay the same for such other, and deduct the amount thereof for such indebtedness. The collector, after having deducted the poll tax for which such property was sold, and the necessary fees and costs of the sale, shall return the surplus of the proceeds to the owner of the property. A delivery of the possession of the property by the collector to any purchaser at any such sale will be sufficient title to the purchaser without the execution of a deed thereof by the collector.

SEC. 55. If any person shall give to the tax collector or his deputy a false name, or shall refuse to give his name, he shall be guilty of a misdemeanor, and shall be arrested upon com-

plaint of the tax collector or his deputy, and upon conviction before a Justice of the Peace, he shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment for a term of not less than two days nor more than three months, or by both such fine and imprisonment.

SEC. 56. On the first Monday of each month the tax collector shall make oath before the clerk of the board of supervisors, of the total number of poll taxes collected by him during the last preceding month, and shall at the time file the county treasurer's receipt for the total amount of poll taxes collected, less the amount allowed by this for fees; and on the third Monday in December he shall return all the poll tax receipts by him received and not used, and shall pay to the treasurer the total amount collected and not paid in therefor, subject to the deduction aforesaid; and on the said third Monday in December of each year, the tax collector and the treasurer shall attend at the office of the board of supervisors, and the board of supervisors shall then and there finally settle with the tax collector for all poll tax receipts signed by the treasurer and delivered to him; and the tax collector shall then pay over the amount of all poll tax receipts received by him and not then or theretofore returned; and no poll tax receipts shall be valid for any year unless issued after the first Monday of January in such year.

SEC. 57. At the settlement with the tax collector, required on the third Monday in December, it shall be the duty of the clerk of the board of supervisors, and he is hereby required, to forthwith transmit to the Territorial Auditor a certified statement of the amount of poll taxes paid over to the county treasurer of his county up to that time, and he shall deliver a duplicate of such statement to the county treasurer; and on the final settlement, on the third Monday in December in each year, the clerk of the board of supervisors shall, immediately upon the conclusion thereof, transmit a certified statement to the Territorial Auditor, stating therein the number of all receipts for poll tax delivered by the county treasurer to him, the number of such receipts issued by him to the tax collector, also the number of such receipts returned by the tax collector.

SEC. 58. Chapter 33 of the Compiled Laws of Arizona, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 59. This act shall be in force and take effect from and after its passage.

APPROVED February 12th, 1875.

AN ACT

To transfer the County of Mohave from the Second Judicial District to the Third Judicial District of this Territory.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The county of Mohave is hereby made a part of the Third Judicial District of the Territory, and the judge of said district is hereby directed and required to hold such terms of the district court at the county seat of said county as are or may be required by law to be held.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED February 12th, 1875.

AN ACT

To establish Public Schools in the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. A tax of fifteen cents upon each one hundred dollars' value of taxable property is hereby levied and directed to be collected and paid into the Territorial Treasury as a special fund for school purposes, to be disbursed as hereinafter provided; said tax to be levied and collected at the same time and in the same manner as other territorial revenues.

SEC. 2. The board of supervisors of each county shall annually, at the time of levying other taxes, levy a county school tax of thirty-five cents on each one hundred dollars' valuation of taxable property, which tax shall be added to the county tax and collected in the same manner, and paid into the county treasury as a special fund, to be drawn as hereinafter provided.

SEC. 3. The Secretary of the Territory, the Governor and the Territorial Treasurer shall constitute a Territorial Board of Education, of which the Governor shall be president and the Secretary of the Territory shall be secretary.

SEC. 4. It shall be the duty of the board of education to hold at least two sessions annually, for the purpose of devising plans for the improvement and management of the Public School funds and for the better organization of the Public Schools of the Territory; and it shall be the duty of the president of the board to call such other meetings at such times as he may deem advisable and necessary. A full record of the proceedings of the board shall be kept by the secretary, and shall be embodied in the annual report of the Governor.

SEC. 5. It shall be the duty of the Governor, subject to the supervision of the Territorial Board of Education, to apportion to the several Counties on the second Monday of January, June, and September of each year, the amount of money to the credit of the school fund to which each County shall be entitled under the provisions of this act, in proportion to the average number of children that have attended school in each of said Counties during the three months prior to January first of each year. *Provided*, that the apportionment shall be made until the second Monday in January, 1876, upon the basis of the number of children in each County between the ages of six and twenty-one years.

SEC. 6. It shall be the duty of the Governor to make an annual report on or before the fifteenth day of January of each year to the Territorial Board of Education, who shall cause the same to be published, and shall transmit a copy thereof to the legislature. Said report shall contain a full statement of the condition and amount of all funds and property appropriated for the purpose of education, the number and grade of schools in each County, the number of children in each County between the ages of six and twenty-one years, the number of such attending Public Schools; also the number of children between the ages of eight and fourteen years, the average number of children that have attended the Public Schools during the three months previous to January first of each year, the number attending private schools, the number not attending any schools, the number that can read and write, the amount of school money appropriated to each County, the amount of money raised by County taxation, district taxation, or otherwise, a statement of plans for the management and

improvement of Public Schools, and such other information relative to the educational interests of the Territory as he may deem important.

SEC. 7. The Governor shall prescribe suitable forms and regulations for making all reports for conducting all necessary proceedings under this act, and shall cause the same, with such instructions as he may deem necessary and proper for the organization and government of schools, to be transmitted to the local officers, who shall be governed in accordance therewith. He shall prepare a convenient form of school register for the purpose of securing more accurate returns from teachers of Public Schools, and shall furnish each County Superintendent with a number sufficient to supply at least one copy thereof to each District or school of such County. He shall certify the cost for printing said blanks to the Territorial Auditor, who shall draw his warrant on the Territorial Treasurer in favor of the person to whom said amount is due, and the Treasurer shall pay said warrant out of any money in the treasury not otherwise appropriated.

SEC. 8. It shall be the duty of the Governor to visit each County in the Territory once in each year, for the purpose of visiting schools, of consulting County Superintendents, of lecturing and addressing public assemblages on subjects pertaining to Public Schools.

SEC. 9. The Governor, at the expiration of his term of office, shall deliver over to his successor all property, books, documents, records, reports and other papers that may be in his possession in pursuance of this act.

SEC. 10. It shall be the duty of the Territorial Treasurer to receive and hold, as a special fund, all Public School moneys paid into the Territorial Treasury, and pay them over only on the warrant of the Territorial Auditor, issued upon the order of the Territorial Board of Education, and countersigned by the Governor, in favor of the County Treasurer, which order duly indorsed by the County Treasurer, shall be valid vouchers in the hands of the Territorial Treasurer for the disbursement of said moneys.

SEC. 11. All school moneys due each County in the Territory shall be paid over by the Territorial Treasurer to the County Treasurer as follows: On the second Monday of January, June and September, or as soon thereafter as the County Treasurer may apply for the same, upon the warrant of the Territorial Auditor, drawn in conformity with the apportionment of the Governor, as provided in section six of this act.

SEC. 12. It shall be the duty of the Treasurer of each County: *First*, To receive and hold, as a special fund, all public school moneys, whether received by him from the Territorial Treasurer, or raised by the County for the benefit of public schools, or from any other source, and to keep a separate account thereof, and of their disbursement. *Second*, On receiving any public school moneys subject to distribution, to notify the County Superintendent of Public Schools of the amount thereof. *Third*, To pay over, on the warrants of the County Superintendent, duly indorsed by the person entitled to receive the same, any or all of said moneys. *Fourth*, On or before the first day of January, annually, to make a full report to the Governor of the public school moneys received into the County Treasury within the year ending December thirty-first next previous thereto, with a particular statement of the disbursement of said school moneys (and of any amount of said school moneys) which may remain in his hands for distribution at the close of the said year, designating whether of Territorial or county school fund; and, in case of the failure or neglect of said County Treasurer to make such report, he shall forfeit, for the benefit of the County school fund, the sum of one hundred dollars from his official compensation; and it is hereby made the duty of the Board of Supervisors, on notice from the Governor of such failure or neglect on the part of any County Treasurer, to deduct said one hundred dollars from his compensation, and place said amount to the credit of the county school fund.

SEC. 13. The Probate Judge of each County in the Territory is hereby made *ex officio* County Superintendent of Public Schools for his County, and shall be paid quarterly out of the school fund of said County the sum of one hundred dollars per annum, to be paid by the County Treasurer quarterly upon the receipt of the Superintendent.

SEC. 14. It shall be the duty of the County Superintendent of Public Schools, upon receiving notice from the County Treasurer, as provided in this act, to apportion the public school moneys in the County Treasury among the several school districts in his county, in proportion to the number of children that have attended the public school in the said District during the three months previous. In making said distribution, he shall have power and it shall be his duty to draw his warrant on the County Treasurer in favor of and to deliver the same to the person entitled to receive the same. *Provided*, no such warrant shall be drawn in favor of any School District until full and correct returns have been made to him by the same as required by law, and a certificate of the Board of Trustees

given, showing for what purpose, in accordance with this act, the money is required; and *provided, further*, that no such warrant shall be drawn in favor of any School District, unless there is cash in the treasury at the time to the credit of said School District.

SEC. 15. It shall be the duty of school teachers in each public school taught in this Territory, to keep a correct daily record of the number of children attending such school, and at the expiration of each quarter to certify under oath to the Board of Trustees of the School District in which said school was taught, the average daily attendance at said school during the said previous quarter, and it shall be the duty of said School Trustees to forward a statement, verified by the oath of one or more of said Trustees, of the average daily attendance at said school during the previous quarter, as furnished by said teacher, to the Superintendent of public schools of the County in which said school has been taught.

SEC. 16. The County Superintendent shall have power, and it shall be his duty, in accordance with the provisions of this act, and the instructions of the Governor: *First*. To visit each school in his county once in each year, exercise a general supervision over the interests of public schools in his county, and give the School Trustees, Marshals and teachers such aid and counsel as may be important to the prosperity of the schools. *Second*. To distribute promptly such blanks, reports, forms, laws and instructions as shall be received by him from the Governor, for the use of school trustees, marshals, and teachers and other officers entitled to receive the same. *Third*. To keep on file in his office the reports of the School Trustees, Marshals and teachers received by him, and to record all official acts in a book to be provided for that purpose, and at the close of his official term of office to deliver over to his successor such records, and all documents, books and papers, belonging to his office, and to take a receipt for the same, which shall be filed in the office of the County Treasurer. *Fourth*. To make a full report in writing annually, on or before the first day of January, for the year next previous thereto, to the Governor, such report to include an abstract of all the various annual reports of the School Trustees, Marshals and teachers, by law required to be made to the County Superintendent for the preceding year; also, the daily average attendance of scholars at the public schools in the County, so returned to him by the School Trustees in accordance with section seventeen of this act, during the three months preceding January first of each year. *Fifth*. To appoint School Trustees and Marshals in all School Districts

in which the qualified voters shall fail to elect said School Trustees and Marshals, and to fill by appointment all vacancies which may occur by death or otherwise, when the voters of the District fail to comply with the provisions of the law.

SEC. 17. If the County Superintendent fails to make a full and correct report to the Governor of all statements required to be made by law, he shall forfeit the sum of ten dollars from his salary, and the Board of Supervisors are hereby authorized and required to deduct therefrom the sum aforesaid, upon information from the Governor that such returns have not been made.

SEC. 18. There shall be elected at the general election held for the election of County officers, three School Trustees in each School District of the Territory, said School Trustees are hereby authorized to administer to each other the oath or affirmation of office and to forward their certificate of election, with the oath or affirmation indorsed thereon to the County Superintendent of public schools.

SEC. 19. It shall be the duty of the Trustees, any two of whom shall constitute a quorum for the transaction of business, to meet as soon as practicable, after taking the oath of office, at such place as may be most convenient in the District, and to organize by appointing one of their number clerk of the board, who shall preside at the official meetings of the Trustees, and record the proceedings in a book to be provided for that purpose, together with the minutes of the proceedings of the annual school meetings held in the District, by the qualified voters thereof, which shall be public record, and all proceedings, when so recorded, shall be signed by the said clerk. They shall also appoint one of their number as District Treasurer. The Trustees shall meet at least once a quarter, and as much oftener as they may deem advisable.

SEC. 20. The District Board of Trustees shall constitute a body corporate, and shall be intrusted with the care and custody of all school property within said District, and they shall have power to convey by deed, duly executed and delivered, all the estate or interest of their District in any school-house or site directed to be sold by the vote of the District, and all conveyance of real estate which may be made to said board shall be made in their corporate name, and to their successors in office, said Board of Trustees shall have further power, subject to the approval of the Board of Supervisors, to purchase,

receive, hold and convey real or personal property for school purposes, to build, purchase, hire and repair school-houses, and to furnish the same with necessary furniture, and to fix the location of school-houses.

SEC. 21. No Trustee shall be pecuniarily interested in any contract made by the Board of Trustees of which he is a member, and any contract made in violation of this section shall be null and void.

SEC. 22. It shall be the duty of the Board of Trustees in each District to take or cause to be taken, by a School Marshal to be appointed by them in the month of May of each year, an enumeration of all the children between the ages of six and twenty-one years, also between the ages of eight and fourteen years, within such District, and return a certified copy thereof, under oath, to the County Superintendent of Public Schools, before the first day of June of each year. The Trustees shall also report the number of schools, specifying the different grades; the number of teachers, male and female; the number of children, male and female, who have attended school; the duration of term of schools; the compensation of teachers, male and female; the number and condition of school houses and furniture, and the estimated value thereof; the amount expended in erecting school-houses; the amount of money derived from district taxation or subscription, and such other statistics as the Governor may require.

SEC. 23. It shall be the duty of the Board of Trustees to provide school-houses, either by purchase or rent, as shall be necessary for the accommodation of schools, subject to the approval of the Board of Supervisors as hereinafter provided. They may provide books for the indigent children and record books for the District, and pay for the same out of the County school moneys belonging to their District. They may suspend or expel from school within their District, with the advice of the teacher, any pupil who will not submit to the reasonable and ordinary rules of order and discipline therein; they may also apportion the school funds among the several schools within their District, in proportion to the average number of pupils attending school; and they shall, at the close of their official term, deliver over to their successors in office all books and records in their hands as such Trustees, and take a receipt for the same, and file it with the County Superintendent.

SEC. 24. When the Territorial and County money to which any District is entitled is not sufficient to build or rent suitable

buildings, and to pay for keeping a school open in such District for at least three months in each year, it is hereby made the duty of the Trustees of each District to levy a direct tax upon the taxable property in such District, sufficient to raise an amount which, together with the Territorial and County money to which such District is entitled, will keep a school open three months in each year; and the Board of Trustees of any School District, when in their judgment it is advisable, may call an election and submit to the qualified voters of the District the question whether a tax shall be levied to keep a school open a longer period than the ordinary funds will allow, or for building an additional school-house or houses, or for all these purposes. Such election shall be called by posting notices in three of the most public places in the District for twenty days, and also, if there be a newspaper in the County, by advertising therein once a week for three weeks. Said notices shall contain the time and place for holding the election, the amount of money proposed to be raised, and the purpose for which it is intended to be used. The Board of Trustees shall appoint three judges to conduct the election, and it shall be held in all other respects, as nearly as practicable, in conformity with the general election law. At such election the ballots shall contain the words, "Tax, yes," or, "Tax, no," and also the name of one person as Assessor and one as Collector. *Provided, however,* that the same person may be elected for both offices. If two-thirds of the votes cast are, "Tax, yes," the officers of the election shall certify the fact to the Board of Trustees, and shall also certify to the name of the person or persons having the plurality of votes for Assessor and Collector, the Board of Trustees shall issue certificates of election, and the Assessor shall forthwith ascertain and enroll, in the manner provided for County Assessors, all taxable persons and property in the District, and within thirty days he shall return his roll footed up to the Board of Trustees. The Board of Trustees, upon receiving the roll, shall deduct fifteen per cent therefrom for anticipated delinquencies, and thereby dividing the sum voted, together with estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent required, and the rate so ascertained shall be and is hereby levied and assessed to, on, or against the persons or property named or described in said roll, and it shall be a lien on all such property until the tax is paid; and said tax, if not paid within the time limited in the next succeeding section for its payment, shall be recovered by suit in the same manner and with the same costs as delinquent Territory and County taxes.

SEC. 25. As soon as the rate of taxation has been determined, as provided in the preceding section, the Board of Trustees shall

place the tax list in the hands of the Collector, who shall give such bond as may be required by the Board of Trustees, and he shall then proceed to collect the tax and shall, within sixty days, return the roll to the Board of Trustees with the word "paid" marked opposite the name of each person or description of property from whom or which he has received the taxes, and he shall at the same time file with the Board of Trustees the District Treasurer's receipt for all moneys by him collected; and the persons or property on the roll not by the Collector marked "paid" shall be deemed delinquent, and the Board of Trustees shall order said Collector to proceed to collect the delinquent taxes in the manner prescribed in the last preceding section, and said roll or any certified copy thereof shall have the same force in evidence as a duplicate or delinquent tax roll of Territory or County taxes.

SEC. 26. All moneys collected from a District tax in any District shall be paid into the Treasury of such District. The compensation of the Assessor and Collector shall be fixed by the Board of Trustees, and be paid in the same manner as the expenses for supporting schools for the District.

SEC. 27. Whenever at least five heads of families petition the County Superintendent for the organization of a new School District, or for a subdivision of, or change in, the boundaries of an established District, that officer shall transmit the petition to the Board of County Supervisors, with his approval or disapproval of the proposition indorsed thereon. Upon receiving any such petition, the said Supervisors shall have power to establish, alter or modify the District or Districts, in accordance with the prayer of the petitioner. *Provided*, that no District shall be considered as organized, or to be entitled to any pro rata of moneys standing to the credit of the District from which it was separated, or of which it is a subdivision, until a public school has been actually commenced in such new School District, and unless such new School District shall commence a school within sixty days after the action of the Board of Supervisors making such new District, then such action shall become void, and no District shall exist. All School Districts organized at the time this act takes effect, according to law, are re-organized as legal organizations.

SEC. 28. All lots, buildings, or other school property owned by any District, and devoted to public school purposes, shall be and the same are hereby exempt from taxation, and from sale under execution, or other writ or order in the nature of an execution. *Provided*, that the Board of Trustees of any

School District in the Territory may mortgage school-houses or lots in their school districts subject to the approval of the Board of Supervisors of the County for the purpose of raising funds to build a school-house.

SEC. 29. The Governor shall appoint three competent persons in each County within this Territory, who shall be and constitute a Board of Examiners; the County Superintendent to be one of said Board, and *ex-officio* chairman thereof, for the purpose of examining applicants and granting certificates of qualification to teachers of public schools. They shall meet at such times and places as the interests of the public may require, and be governed by such rules and regulations as the Territorial Board of Education may, from time to time, direct. They shall only grant certificates to such persons as shall pass a satisfactory examination, which certificate shall remain in force for two years, unless revoked for good cause shown. The Territorial Board of Education shall have power to remove said examiners, except the *ex-officio* chairman thereof, and to fill vacancies in said board.

SEC. 30. The Territorial Board of Education shall have power, and is hereby made their duty, to prescribe, and cause to be adopted, a uniform series of text-books in the principal studies pursued in the public schools, to wit., spelling, reading, grammar, arithmetic, geography, physiology, and such other studies as may be by said board deemed necessary.

SEC. 31. No portion of the public school funds, whether derived from Territorial, County or District taxation, shall be used or appropriated to any other than school purposes.

SEC. 32. The public school year shall commence on the first day of January, and end on the last day of December; five days shall constitute a legal school week, and four weeks a legal school month. No public school shall receive any moneys, benefits or immunities, under the provisions of this act, unless such school shall have been instructed by a teacher or teachers, duly examined, approved and employed by legal authority, as herein provided.

SEC. 33. No books, tracts or papers of a sectarian or denominational character shall be used or introduced in any school established under the provisions of this act, nor shall sectarian or denominational doctrine be taught therein, nor shall any school whatever receive any of the public school funds which has not been taught in accordance with the provisions of this act.

SEC. 34. The Governor and the County Superintendent of public schools are hereby authorized to administer oaths or affirmations to teachers, and all other oaths or affirmations relating to public schools.

SEC. 35. An act to establish public schools in the Territory of Arizona, approved December sixteenth, eighteen hundred and sixty-eight, and an act to establish public schools in the Territory of Arizona, approved February eighteenth, eighteen hundred and seventy-one, and an act to amend an act entitled "An act to establish public schools in the Territory of Arizona," approved February eighteenth, eighteen hundred and seventy-one, approved February thirteenth, eighteen hundred and seventy-three, is hereby repealed.

SEC. 36. This act to take effect and be in force from and after its passage.

APPROVED February 12th, 1875.

AN ACT

To reimburse the Territorial Treasurer for expenses incurred in and for taking care of the Territorial weights and measures during the years 1873 and 1874.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The sum of sixty dollars is hereby appropriated out of any money in the Territorial Treasury not otherwise appropriated, to pay the Territorial Treasurer for expenses incurred in, and for taking care of, the Territorial weights and measures during the years eighteen hundred and seventy-three and eighteen hundred and seventy-four.

SEC. 2. This act to take effect and be in force from and after its approval.

APPROVED February 12th, 1875.

AN ACT

For the relief and benefit of the Sisters of Saint Joseph,
of Saint Joseph's Academy, Tucson, A. T.

*Be it enacted by the Legislative Assembly of the Territory
of Arizona:*

SECTION 1. That the sum of three hundred dollars be and the same is hereby ordered to be appropriated for the relief and benefit of the Sisters of Saint Joseph, of Saint Joseph's Academy, Tucson, A. T.

SEC. 2. That the Territorial Auditor, upon application from said Sisters of Saint Joseph, shall draw his warrant upon the Territorial Treasurer to their order, for the amount specified in the first section of this act, which warrant shall upon presentation be paid by the Treasurer from money not otherwise appropriated, belonging to the general fund of the Territory of Arizona.

SEC. 3. That this act take effect and be in force from and after its passage.

APPROVED February 12th, 1875.

AN ACT

To provide for the civil expenses of the Territorial
Government.

*Be it enacted by the Legislative Assembly of the Territory
of Arizona:*

SECTION 1. That the following sums be and they are hereby appropriated for the several objects herein mentioned, viz.:

First. For the salaries of Territorial Treasurer and Auditor to be paid as provided by law two thousand (\$2,000) dollars.

Second. For the Territorial Library, to include postage, help, extra shelving, etc., therefor, to be expended equally for the years eighteen hundred and seventy-five and eighteen hundred and seventy-six, one thousand (\$1,000) dollars.

Third. For the distribution of public documents, proclamations of the Governor, the laws and journals of the Legislative

Assembly to be expended under the direction of the Secretary of the Territory, in such sums as from time to time may be required, the sum of one hundred (\$100) dollars.

Fourth. For printing official documents and other necessary printing, and to be expended under the direction of the Territorial Auditor in equal proportion for the years eighteen hundred and seventy-five and eighteen hundred and seventy-six the sum of three hundred (\$300) dollars.

Fifth. For rent of Territorial Library Room, and to be expended in equal proportion in the years eighteen hundred and seventy-five and eighteen hundred and seventy-six, as provided by law, the sum of three hundred (\$300) dollars.

Sixth. For paying extra Clerk hire for the eighth session of the Legislative Assembly, to be audited on the certificate of the Speaker of the House of Representatives or the President of the Council, certifying that such services were rendered and that such persons are entitled to receive such allowance for such services the sum of four hundred and eighty-five (\$485) dollars, said amount to be expended as follows: To William J. Osborn, one hundred and twenty (\$120) dollars; to H. C. Hodge, one hundred and five (\$105) dollars; to George W. Jones, one hundred (\$100) dollars; to James Speedy, one hundred and fifteen (\$115) dollars; to C. W. Gearhart, forty-five (\$45) dollars.

Seventh. For the salary of the superintendent of public instruction for the years eighteen hundred and seventy-five and eighteen hundred and seventy-six, one thousand (\$1,000) dollars.

Eighth. For printing for the present legislative assembly, and for copies of "Arizona Citizen" for use of members, the sum of seven hundred and sixty-four (\$764) dollars and ninety-eight (98) cents, for which amount, the Territorial Auditor is authorized to draw his warrant upon the Territorial Treasurer in favor of Wasson and Brown.

Ninth. For Territorial salaries of the District Judges as provided by law, to be expended under the direction of the Territorial Auditor, and equally for the years eighteen hundred and seventy-five and eighteen hundred and seventy-six, the sum of thirty-six hundred (\$3,600) dollars.

Tenth. For paying postage of the present Legislative Assembly, two hundred and twenty-four (\$224) dollars; and the Territorial Auditor is hereby authorized to draw his warrant for said amount in favor of C. H. Lord, post-master at Tucson.

Eleventh. For the contingent expenses of the Territorial government for the years eighteen hundred and seventy-five and eighteen hundred and seventy-six, the sum of two thousand (\$2,000) dollars, to be expended by the Governor as rewards for the apprehension of criminals, and for the payment of agents employed between this Territory and foreign States, and other expenses incidental thereto.

Twelfth. For papers furnished to members of the eighth Legislative Assembly, other than as above mentioned in eighth subdivision of this section, the sum of eighty-two and fifty-two (\$82.52) dollars, to the editor of the "Arizona Sentinel," and three hundred (\$300) to the editor of the "Arizona Mirror," in whose favor the auditor is hereby authorized to draw his warrant for the said amounts.

Thirteenth. For expenses of the Supreme Court to be expended equally for the years eighteen hundred and seventy-five and eighteen hundred and seventy-six, under the direction of the Chief Justice of the Territory, the sum of one thousand (\$1,000) dollars.

Fourteenth. To pay Census Marshals for taking the Census of the several counties of this Territory in the year eighteen hundred and seventy-six, the sum of one thousand eight hundred (\$1,800) dollars.

SEC. 2. The salaries aforesaid, and other appropriations, shall be paid out of the general fund, and shall apply from the first day of January, eighteen hundred and seventy-five, except where otherwise provided in this act or other acts, and end on the thirty-first day of December, eighteen hundred and seventy-six. The Territorial Auditor shall not draw his warrant for any civil expenses other than specified in this act; *Provided*, that this section shall not apply to an act regulating and providing for the expenses and keeping of the Territorial prisoners and the Territorial indigent and insane.

SEC. 3. That the Territorial Auditor shall draw his warrant for the aforesaid salaries quarterly, for the amounts due for said quarter, and for all other appropriations as far as may be practicable. And no warrant shall be drawn for services rendered or indebtedness accruing during any other fiscal year than that for in which this act appropriation is made.

SEC. 4. This act shall take effect and be in force from and after its passage.

APPROVED February 12th, 1875.

AN ACT

To provide for the taking of the Census of and in the several Counties of the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That there shall be a Census taken of all the inhabitants (Indians and officers and soldiers in the military service of the United States excepted), of the several counties in the Territory of Arizona, for the purpose of having declared a just apportionment of representation in the Legislative Assembly, as hereinafter provided.

SEC. 2. That the Boards of Supervisors of the several Counties, are hereby authorized and directed at their second regular quarter-yearly meeting on the first Monday in April, A. D. eighteen hundred and seventy-six, or at a special meeting called for the purpose as soon thereafter as is practicable, to appoint a Census Marshal to take a Census of all the inhabitants (officers and soldiers of the military service of the United States excepted, also all Indians) of the County.

SEC. 3. That the Marshal so appointed as provided in section two of this act shall, before entering upon the duties of his office, enter into a good and sufficient bond, with not less than two good and sufficient sureties, in a sum of not less than three thousand dollars, nor more than five thousand dollars, that he will well and faithfully perform the duties of such Census Marshal, to the best of his ability. Such Census Marshal may appoint one or more deputies, for whose acts he shall be responsible.

SEC. 4. If any Census Marshal, or his deputy, shall make any false or fraudulent Census return, or willfully neglect to make a full and complete Census return as required by the provisions of this act, the person so offending shall be deemed guilty of a felony, and, upon conviction thereof before a court of competent jurisdiction, shall be punished by imprisonment in the Territorial prison for a term not less than one, nor more than five years, and by a fine of not less than one thousand dollars, nor more than five thousand dollars, in the discretion of the court.

SEC. 5. That, the Census Marshals of the several counties of the Territory of Arizona, shall commence taking the Census of

and in their respective Counties on the second Monday in May, A. D. eighteen hundred and seventy-six, and shall be paid for their services while taking such Census at the rate of ten dollars per day, and no other compensation shall be allowed for such services.

SEC. 6. That said Census Marshal shall make his return of the Census of the County of which he shall be such Census Marshal, to the Clerk of the Board of Supervisors of his County, on or before the first Monday in July, A. D. eighteen hundred and seventy-six, and it shall be the duty of the Board of Supervisors to verify such return as far as lies in their power, and when satisfied of the correctness of said Census return, shall certify to its correctness and forward the same to the Secretary of the Territory at their regular quarter-yearly meeting on the first Monday in July, A. D. eighteen hundred and seventy-six, or at a special meeting called for the purpose as soon as possible thereafter.

SEC. 7. That the Census Marshal shall not be paid for over forty (40) days' services as such Marshal in the Counties of Pima and Yavapai, and not over thirty (30) days' services in the Counties of Yuma, Mojave and Maricopa, and not over fifteen (15) days' services in the County of Pinal, for performing the duties such Census Marshal.

SEC. 8. That when the Boards of Supervisors of the several Counties, shall have become satisfied that the Census Marshal has performed his duty as such Marshal to the best of his ability, and according to law, they shall issue to him a certificate that shall show for how many days' services he is entitled to pay as such Census Marshal, how much per day, and what is the whole amount due, and when such certificate shall be properly presented to the Territorial Auditor he shall draw his warrant upon the Territorial Treasurer for the amount due, which shall be paid by the Territorial Treasurer out of any moneys not otherwise provided.

SEC. 9. That on the first Monday in August, A. D. eighteen hundred and seventy-six, it shall be the duty of the Territorial Secretary, in the presence of the Governor of the Territory, at ten o'clock A. M., to open said Census returns and verify them. Should the Secretary be absent, or have left the Territory, then the Governor shall open the Census returns in the presence of the Territorial Treasurer and Auditor; and should the Governor be absent, then the Secretary of the Territory shall open the Census returns in the presence of the Territorial Treasurer and Auditor; and shall proceed to make an apportion-

ment for members of the House of Representatives, and for members of the Council of the Legislative Assembly among the several Counties according to their population, as shown by the Census returns of the respective Counties.

SEC. 10. That it shall be the duty of the Secretary of the Territory, to notify the Boards of Supervisors of the several Counties that the apportionment has been made, and how many members of either house of the Legislative Assembly their County is entitled to.

SEC. 11. Any County in this Territory failing to have the Census of its population taken according to the provisions of this act, will not be entitled to a representation in either house of the Legislative Assembly of Arizona that shall be convened at the capitol of the Territory on the first Monday in January, A. D. eighteen hundred and seventy-seven.

SEC. 12. That it shall be the duty of the Governor, when issuing his proclamation for the general election to be held A. D. eighteen hundred and seventy-six, to specify how many members of either house of the Legislative Assembly, each County shall be entitled to, as the same shall be found under the provisions of this act.

SEC. 13. All acts and parts of acts in conflict with any of the provisions of this act, are hereby repealed in so far as they are in conflict.

SEC. 14. This act to take effect and be in force from and after its passage.

APPROVED February 12th, 1875.

AN ACT

To provide for the erection of County buildings in Maricopa County.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Board of Supervisors of the County of Maricopa are hereby authorized and empowered to erect a court-

house, jail and necessary County offices for said County, the amount of money to be expended under this act not to exceed the sum of fifteen thousand dollars.

SEC. 2. Within thirty days after the passage of this act, the Board of Supervisors of said County shall advertise in one or more newspapers published in this Territory, and shall also post notices in three public places in the County of Maricopa, for a period of thirty days, for plans and specifications for the erection of a court-house, to include court-rooms, and such offices for County officers as such board may deem necessary, and a County jail; such advertisement to specify generally the number, class and approximate dimensions of each of said buildings and offices. On the day named in the advertisement, the said Board of Supervisors shall meet at the court-house in said County, and publicly open and consider all proposals, plans and specifications presented, and may adopt such plan and specification as to them seems most suitable to the purposes intended; and such Board may reject any and all plans presented. Upon the acceptance of any such plan and specifications so presented, the said Board shall draw their warrant upon the general fund of the County, in favor of the person or persons whose plan and specification has been so accepted, for the sum of fifty dollars, upon condition that said plan and specification so accepted, be by the owner or owners thereof surrendered to the said Board as the property of said county.

SEC. 3. The said Board, within twenty days after the acceptance of a proposed plan and specification as hereinbefore provided for, shall advertise in one or more newspapers published in the Territory, and by posting notices in at least three public places in said County for a period of thirty days, for sealed proposals for the erection of the County buildings provided for in section one of this act, and in accordance with the plans and specifications adopted by said Board. Said advertisement shall specify the size, number of rooms, thickness of walls, kind and quality of material in the construction of said buildings, kind of roof and floor, the size of jail, thickness of walls, kind and quality of material to be used in the construction, the number and kind of cells, and the number and size of the doors and windows, and the time allowed for the completion of said buildings; also the time when, and the manner in, which, payment will be made.

SEC. 4. The said Board shall, on the day named in such advertisement, meet at the court-house in said County, and publicly open all bids offered, and may award such contract in the manner as in their discretion appears most conducive to

the interest of the County, and they may reject any and all bids offered, and said Board shall require of the person or persons to whom such award may be made, to enter into a written contract with said Board for the erection and completion of said buildings, and shall require such person or persons entering into said contract, to give bonds to said County in double the amount of such contract, with two or more good and sufficient sureties, to be approved by the Probate Judge of said County.

SEC. 5. The expense for advertising for proposals to build the County buildings herein specified, shall be paid by the person or persons to whom the contract for such buildings shall be awarded, and no contract shall be awarded by said Board until such expense is paid, and all advertising required by this act not otherwise provided for, shall be paid out of the general fund of said County, as other County charges are paid.

SEC. 6. The Board of Supervisors of said County are hereby authorized and empowered to prepare and issue bonds of the County of Maricopa, not to exceed in amount the sum of fifteen thousand dollars, on the faith and credit of the said County of Maricopa, payable at the expiration of five years from the date of their issuance, which bonds shall bear interest at the rate of ten per cent per annum, which interest shall be payable annually on the first day of January of each year, at the office of the County Treasurer of Maricopa County. *Provided*, that such bonds may be redeemed within the said period of five years, at the option of said County; such bonds to be of the denomination of fifties, hundreds and five hundreds, the form and number of each denomination of such bonds to be determined by said Board of Supervisors, and each denomination of such bonds to be numbered consecutively, from one upward, and each bond shall be signed by the Chairman of the Board and countersigned by the Clerk of the Board, the amount of all such bonds not to exceed the sum of fifteen thousand dollars, and to each bond so issued shall be attached the seal of the County Recorder of said County.

SEC. 7. Upon the payment by the County Treasurer of any interest upon any of the bonds so issued, he shall take from the person or persons to whom such interest is paid, a receipt therefor, which said receipt shall specify:

First. The number and denomination of the bond.

Second. The amount of accrued interest thereon.

Third. The amount of interest paid, which receipt shall be retained by such Treasurer as his voucher for the interest so

paid, and he shall indorse upon the back of each bond upon which interest is paid the date when, and the amount of interest so paid.

SEC. 8. There shall be levied annually upon the taxable property in said County of Maricopa, a tax of fifty cents upon each one hundred dollars, such tax to be levied and collected in the same manner as now provided by law for the assessment and collection of taxes within this Territory. The tax so collected shall by the Treasurer of said County be placed to a fund to be denominated "Maricopa County Building Fund," and the moneys so appropriated shall be applied as designated by this act, and shall be used for no other purpose whatsoever.

SEC. 9. Whenever there shall have accumulated in said "Maricopa County Building Fund" the sum of five hundred dollars in excess of the interest due and payable upon all outstanding bonds issued as provided by this act for the year in which such excess shall have accrued, the County Treasurer of said County shall advertise for bids for the surrender of bonds issued in pursuance of this act, which advertisement shall be for the period of twenty days in some newspaper printed in the County, if there be any, and by posting notices in at least three public places in the County; and such advertisements and notices shall specify a day on which said Treasurer will open bids for the surrender of any such bonds. All offers for the surrender of bonds shall be sealed proposals, and shall be indorsed "Proposals for the Surrender of Maricopa County Building Fund Bonds." On the day named in such advertisement and notices, some one member of the Board of Supervisors and the County Treasurer shall, between the hours of ten A. M. and four P. M. of that day, proceed to the office of the latter, and shall publicly open all proposals offered, and shall accept the lowest bids offered to the extent of the money in said fund applicable to the redemption of such bonds, and if two proposals are the same, and the lowest offered, the bond smallest in denomination shall be first paid. *Provided*, that no offer shall be considered unless the bonds proposed to be surrendered shall accompany the proposal, and no bid shall be accepted for more than the par value of any such bonds. Upon the acceptance of any proposals offered, the Treasurer shall pay to the person or persons whose bids have been accepted, out of the said "Maricopa County Building Fund," the money for which such bond or bonds were offered, and shall indorse across the face of the same the word "canceled," and upon the back of every such bond so canceled he shall indorse the day and year the same was paid, the person or per-

sons to whom paid, the rate at which the same was paid and the whole amount paid on account of such bond, and the said Treasurer shall file the same in his office as his voucher for the sums of money paid by him on account of said fund. If, when money has so accumulated in said fund and notice thereof given as in this section provided, no bids are offered for the surrender of any such bonds, the County Treasurer shall set apart such money and advertise for the same period, and in the same manner, as for the surrender of bonds, which advertisement shall specify the sum of money then in his hands applicable to the payment of bonds issued by authority of this act, and shall in such notice call for the surrender of bonds equal to the money in his hands with the interest due thereon, which bonds so called for surrender shall be those first in issue. Said Treasurer shall further state in such notice, the number and denomination of the outstanding bond or bonds he is ready to cancel, and the person or persons to whom issued, and interest for such bond or bonds shall cease after ten days from the last day of publication of such notice.

SEC. 10. The person or persons to whom the contract shall be awarded for the construction of the County buildings provided for in this act, shall be entitled to receive upon the completion and acceptance by the Board of Supervisors of said County, of the foundation of such buildings, bonds to the amount of fifteen hundred dollars, and upon the completion and acceptance of the walls of such buildings, the sum of two thousand dollars, and upon the completion and acceptance of such buildings by the said Board of Supervisors, the balance of the contract price due for the same.

SEC. 11. The County Treasurer, upon receiving such bonds from the Clerk of the Board of Supervisors, shall hold the same subject to the order of the Board. Upon receiving an order from the Board of Supervisors, for that purpose the Treasurer shall issue to the person or persons in any such order named, the amount of bonds thereon specified, filling in number and date of such bonds, and shall, at the time of such issue enter in a book to be kept for that purpose, the date of such issue, the number and denomination of the bonds so issued, and the person or persons to whom issued, and all such bonds shall bear interest from the date of their issue.

SEC. 12. When at any time there shall be in the hands of the County Treasurer, to the credit of said "Maricopa County Building Fund" a sum sufficient to liquidate all outstanding bonds with the accrued interest thereon, the said Treasurer shall advertise for the surrender of all such bonds, in one or

more newspapers published in the Territory, and by posting notices in at least three public places in the County of Maricopa, for a period of thirty days; such advertisement and notices shall specify that there is in the hands of said Treasurer sufficient money to pay all outstanding bonds and interest accrued in pursuance of this act, and that unless presented for payment before a date named in such advertisement and notices, which date shall not be more than ten days subsequent to the expiration of said notices, the interest on all bonds so outstanding shall cease.

~ SEC. 13. This act shall take effect and be in force from and after its passage.

APPROVED February 12th, 1875.

AN ACT

To amend an act entitled "An act to prevent the improper use of deadly weapons, and the indiscriminate use of fire-arms in Towns and Villages of the Territory; approved September 30th, 1867."

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Section one of an act entitled "An act to prevent the improper use of deadly weapons, and the indiscriminate use of fire-arms in Towns and Villages of the Territory, approved September 30th, 1867," is amended to read as follows :

§ 1. Any person in this Territory having, carrying, or procuring from another person, any dirk, dirk-knife, bowie-knife, pistol, gun, or other deadly weapon, who shall in the presence of two or more persons draw or exhibit any of said deadly weapons in a rude, angry, or threatening manner, not in necessary self-defense, or who shall in any manner unlawfully use the same in any fight or quarrel, the person or persons so offending, upon conviction thereof, in any Justice's Court in any County in this Territory, shall be fined in any sum, not less than one hundred nor more than three hundred dollars, or imprisonment in the County jail not less than one nor more than six months, in the discretion of the court, or both such fine and imprisonment, together with the costs of prosecution.

SEC. 2. Section three of said act is amended to read as follows :

SEC. 3. It shall be the duty of all Sheriffs, Deputy Sheriffs, Constables, and all peace officers and private citizens to see that the provisions of this act are enforced, by informing on all persons violating its provisions, by having them arrested and brought before the proper officer for trial and punishment.

SEC. 3. Section four of said act is hereby repealed.

SEC. 4. This act shall take effect immediately.

APPROVED February 12th, 1875.

AN ACT

Amendatory of Chapter Forty-seven, Howell Code, "Of Jurors," and acts amendatory thereto.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. A jury is a body of men temporarily selected from the citizens of a particular County, and invested with power to present or indict a person for public offense, or to try a question of fact.

SEC. 2. Juries are of three kinds :

First. Grand Juries.

Second. Trial Juries.

Third. Juries of Inquest.

SEC. 3. A Grand Jury is a body of men, not less than seventeen nor more than twenty-three in number, returned at stated periods from citizens of the County, before a Court of competent jurisdiction, and sworn to inquire of public offenses committed or triable within the County, and to investigate and report upon the management and condition of the various County officers.

SEC. 4. A Trial Jury is a body of men returned from the citizens of a particular County before a Court of competent jurisdiction, and sworn to try and determine by a unanimous verdict a question of fact.

SEC. 5. A Trial Jury in a Court of Record consists of twelve men, unless in civil cases, the parties to the action or proceeding agree upon a less number.

SEC. 6. A Jury of Inquest is a body of men summoned from the citizens of a particular locality, before the Sheriff, Coroner or other ministerial officer, to inquire of particular facts.

SEC. 7. Jurors for all the Courts of Record in this Territory shall be selected and summoned as provided in this act.

SEC. 8. The Board of Supervisors of the several Counties of this Territory, at their first regular meeting after the first meeting in January in each year, or thereafter at any special meeting called for that purpose, shall cause to be made a list of all persons within their respective Counties qualified and liable to serve as Jurors, and shall from time to time revise the same so as to keep such list as complete as practicable, and such Boards shall cause certified copies of such original and revised lists to be filed in the office of the Clerk of the District Courts in their several Counties..

SEC. 9. If from any cause in any County, such lists shall not have been made, and certified copies thereof filed with the Clerk of the District Court prior to the twentieth day of January in any year, the District Court of the District wherein such County is situated, or the Judge thereof at Chambers, upon the petition in writing of any person possessing the qualifications of a Juror in the said County, verified by the oath of the petitioner, setting forth the failure to make such lists, or to file certified copies thereof in the office of the Clerk of said court, shall cause to be issued from the said District Court a peremptory writ of mandamus, commanding the Board of Supervisors of said County to cause such lists to be made, and certified copies thereof to be filed with the Clerk of said Court within ten days after the service upon the said Board of Supervisors of such writ.

SEC. 10. A person shall not be competent to act as a Juror unless he be :

First. A citizen of the United States.

Second. An elector of the County in which he is returned.

Third. Over twenty-one and under sixty years of age.

Fourth. In the possession of his natural faculties.

Fifth. But no person shall be competent to serve as a Juror who shall have been convicted of a felony or a misdemeanor involving moral turpitude.

SEC. 11. A person shall be exempt from liability to act as a Juror if he be:

First. A judicial officer.

Second. Any other civil officer of this Territory or of the United States whose duties are at the time inconsistent with his attendance as a Juror.

Third. An attorney or counselor.

Fourth. A minister of the gospel or a priest of any denomination.

Fifth. A teacher in a college, academy or school.

Sixth. A practicing physician.

Seventh. An officer, keeper or attendant of an alms-house, hospital, asylum or other charitable institution created by or under the laws of this Territory.

Eighth. Any person engaged in the performance of duty as officer, keeper, or attendant of any County jail, or of the Territorial prison.

Ninth. A captain, master or other officer, or any person employed on board of a steamer, vessel or boat, navigating the waters of this Territory, and keepers of public ferries.

SEC. 12. A juror shall not be excused by the court for slight or trivial cause, or for hardship or inconvenience to his business, but only when material injury or destruction to his property or that of the public intrusted to him is threatened, or when his own health or the sickness or death of a member of his family require his absence.

SEC. 13. Upon receiving and filing the certified copy of the list of persons qualified to serve as Jurors, the Clerk of the District Court shall immediately give written notice thereof to the Probate Judge and Chairman of the Board of Supervisors of said County, and in said notice shall require them to attend at the Court-house of said County at a time to be specified in said notice, which said time shall not be less than three nor more than five days after the receipt of such notice by said officers, for the purpose of selecting the names of persons to serve as Grand and Trial Jurors. If there be no Court-house in the County, the notice shall also designate some public place at which said selection will be made. At the time and place designated the Clerk of the District Court or, in case of his absence, his deputy, the Chairman of the Board of Supervisors and the Probate Judge, or, if only two attend such meeting, then any two of said officers shall proceed to select from the

list of persons qualified and liable to serve as Jurors, the names of fifty persons who shall have paid taxes on property, either real or personal, in said County in the preceding year, and for that purpose may require the County Recorder to attend their meeting with the tax-roll of the next preceding year.

SEC. 14. As the said names are selected, the Clerk of the District Court shall make a list thereof, and when it shall be completed, shall append thereto a certificate setting forth the time and place of such meeting; what officers were in attendance and took part therein; what proceedings were had, and that the names on said list are those selected by the said officers from which to draw Grand Jurors. Said certificate shall be signed by each of the officers present at and assisting in making such selection, and shall then be known as the Grand Jury list.

SEC. 15. The said officers shall next select from said list the names of one hundred other persons, and the Clerk of the District Court shall make a list thereof as the names are selected, and shall append them to a certificate in all respects similar to that prescribed by the preceding section of this act, except that it shall be therein stated that the names are those selected from which to draw Trial Jurors. Said certificate shall be signed by each of said officers, as in the preceding section, and shall then be known as the Trial Jury list. Both of said lists shall be forthwith filed in the office of the Clerk of the District Court, and the Probate Judge shall immediately thereafter give notice in writing to the Judge of the District Court of the said selections of names and filing of said lists.

SEC. 16. The persons whose names are so returned shall be known as regular Jurors, and must serve for one year and until other persons are selected and returned.

SEC. 17. Not less than ten nor more than twenty days before the time at which either a Grand or Trial Jury shall be required to be in attendance upon the District Court, the Judge thereof shall make and file with the Clerk of the District Court an order that the jury be drawn; the number to be drawn shall be fixed in the order; if to form a Grand Jury, it must be twenty-three, and, if a Trial Jury, such number as the Judge may direct, not exceeding fifty, and such order shall also state the time at which Jurors, Grand or Trial, shall be in attendance.

SEC. 18. At least one day before the drawing, the Clerk of the District Court must notify the Sheriff and the Probate Judge of the time when such drawing will take place, which time must not be more than three days after the receipt by him of the order for such drawing.

SEC. 19. At the time so appointed, the Sheriff in person or by Deputy, and the Probate Judge must attend at the office of the Clerk of the District Court to witness such drawing, and if they do so, the Clerk must in their presence proceed to draw the jurors.

SEC. 20. If the officers so notified do not appear, the Clerk of the District Court must adjourn the drawing until the next day, and, by written notice, require two electors of the County to attend such drawing on the adjourned day.

SEC. 21. If at the adjourned day the Sheriff, Probate Judge and electors or any two of such persons appear, the Clerk of the District Court shall in their presence write down all the names contained in the Grand Jury list, on separate pieces of paper of the same size and appearance, and fold each piece so as to conceal the name thereon, and deposit them in a box to be prepared for that purpose, to be called the "Grand Jury Box;" and proceed to draw the Grand Jurors.

SEC. 22. The Clerk of the District Court must conduct such drawing as follows, if for a Grand Jury:

1. He must shake the box containing the names of Jurors selected from the list from which Grand Jurors are required to be drawn, so as to mix the slips of paper upon which such names were written, as much as possible.

2. He must then publicly draw out of the box twenty-three such slips of paper.

3. A minute of the drawing must be kept by one of the attending officers, in which must be entered the name contained on every slip of paper so drawn, before any other slip is drawn.

4. If after drawing the whole number required, the name of any person has been drawn who is dead or insane, or who has permanently removed from the County to the knowledge of the Clerk or any other attending officer, an entry of such fact must be made in the minute of the drawing, and the slip of paper containing such name must be destroyed.

5. Another name must then be drawn in place of that contained on the slip of paper so destroyed, which must in like manner be entered in the minutes of the drawing.

6. The same proceedings must be had as often as may be necessary, until the whole number of Grand Jurors required are drawn.

7. The minutes of the drawing must then be signed by the Clerk and the attending officers or persons, and filed in the office of the Clerk of the District Court.

SEC. 23. If a Trial Jury be ordered, the names of the Jurors shall be drawn in the same manner, and the same proceedings shall be had in all respects as are herein prescribed for drawing Grand Jurors, except that the number of the names drawn shall be the same as the number of Jurors ordered by the Judge. *Provided*, that a separate box shall be provided for the purpose, which shall be known as the "Trial Jury Box."

SEC. 24. The minute of the drawing prescribed by subdivision three of section twenty-two of this act, must as soon as the drawing is completed, be filed in the office of the Clerk of the District Court, who shall on the same day deliver to the Sheriff of the County a list of such names with his certificate attached thereto, that the names thereon were duly drawn as Grand or Trial Jurors, as the case may be, stating the time and place at which such drawing was had and the officers or electors who were present at and taking part therein, and he shall also attach thereto and deliver to the said Sheriff a certified copy of the order for the Jury, Grand or Trial, as the case may be, and the same shall be the order and authority to the Sheriff to summon the said Jurors.

SEC. 25. After the adjournment of any District Court at which Jurors have been returned, as herein provided, the Clerk shall inclose the ballots containing the names of those who attended and served as Grand Jurors, in an envelope under seal, and in like manner shall inclose the ballots of those who attended and served as Trial Jurors in a separate envelope under seal, and the ballots of those whose names were drawn either as Grand or Trial Jurors but who did not attend and serve, must be returned to the "Grand Jury Box" or the "Trial Jury Box," as the case may be. The ballots sealed in envelopes must be returned to the respective jury boxes when all the others shall have been exhausted, and not until then.

SEC. 26. At the assembling of the proper officers for the first drawing of either Grand or Trial Jurors, in each year, all the ballots of Grand and Trial Jurors used during the preceding year must be destroyed in presence of said officers.

SEC. 27. The Clerk of the District Court must furnish any person applying therefor, and paying the fees allowed by law for the same, a copy of the list of Jurors drawn to attend any District Court.

SEC. 28. As soon as he receives the copy of the list of Grand Jurors and a copy of the order prescribed in section twenty-four of this act, the Sheriff shall summon the persons named therein to attend by giving personal notice to each, or by leaving a written notice at his place of residence, with some person of proper age, and shall return the list to the District Court at the opening thereof, specifying the names of those who were summoned and the manner in which each person was notified. Trial Jurors shall be summoned in the same manner as is herein provided for summoning Grand Jurors.

SEC. 29. Whenever jurors are not drawn and summoned in the manner hereinbefore prescribed to attend any District Court, or a sufficient number of jurors fail to appear, such court may, in its discretion, order a sufficient number to be forthwith drawn and summoned to attend such court, or it may, by an order entered on its minutes, direct the sheriff of the County forthwith to summon so many good and lawful men of his County to serve as Jurors as the case may require. And in either case such Jurors shall be summoned in the manner provided by the preceding section.

SEC. 30. When there not competent Jurors enough present to form a panel, the Court may direct the Sheriff or other proper officer to summon a sufficient number of persons having the qualifications of Jurors, either Grand or Trial, as the case may be, to complete the panel from the body of the County and not from bystanders, and the Sheriff shall summon the number so ordered accordingly and return the names to the Court.

SEC. 31. When jurors are required in any Police, Justice's or Recorder's Court, they shall, upon the written order of the Judge or Justice thereof be summoned by the Sheriff, Constable, Marshal, or Policeman of the jurisdiction.

SEC. 32. Such jurors shall be summoned from the persons resident of the city, village, or precinct, competent to serve as Jurors, by notifying them orally that they are so summoned, and of the time and place at which their attendance is required.

SEC. 33. The officer summoning such jurors shall, at the time fixed in the order for their appearance, return it with a list of the persons summoned indorsed thereon.

SEC. 34. Juries of Inquest shall be summoned by the officer before whom the proceedings are had or upon his written order,

by any Sheriff, Constable, Marshal or Policeman from the persons residents of the County competent to serve as Jurors, by notifying them orally that they are so summoned, and of the time and place at which their attendance is required.

SEC. 35. Any Juror summoned who willfully and without reasonable excuse, fails to attend, may be attached and compelled to attend, and a fine not exceeding one hundred dollars may be imposed by the Court for non-attendance upon the District Court, and a fine not exceeding ten dollars may be imposed for non-attendance upon any other Court.

SEC. 36. At the opening of each regular term of the District Court (unless otherwise directed by the Judge) and as often thereafter as the Judge may deem proper, a Grand Jury may be impanelled.

SEC. 37. When, of the Jurors summoned, not more than seventeen attend, they shall constitute a Grand Jury; but the fines hereinbefore prescribed shall nevertheless be imposed upon those who were duly summoned and failed to attend, unless good cause be shown for their non-attendance.

SEC. 38. Thereafter such proceedings shall be had in empanelling the Grand Jury as are prescribed in chapter eleven Howell Code, "Of Proceedings in Criminal Cases."

SEC. 39. At the opening of Court on the day Trial Jurors have been summoned to appear, the Clerk must call the names of those summoned, and the Court may then hear the excuses of jurors summoned. The Clerk must then write the names of the persons present and not excused, upon separate slips or ballots of paper, and fold such slips so that the names are concealed, and then, in the presence of the Court, deposit the slips or ballots in a box, which must be kept sealed until ordered by the Court to be opened.

SEC. 40. When thereafter an action is called for trial by the Court, such proceedings shall be had in impanelling the Trial Jury, as are prescribed in chapter eleven, Howell Code, "Of Proceedings in Criminal Cases," or in chapter forty-five, Howell Code, "Of Proceedings in Criminal Cases," as the case may be.

SEC. 41. At the time appointed for a Jury Trial in Police, Justice, or Recorder's Courts, the list of jurors summoned shall be called, and, if they all attend, they shall constitute the jury unless

excused or successfully challenged, in which case enough others to complete the jury shall be forthwith summoned in the manner hereinbefore prescribed.

SEC. 42. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 43. This act shall take effect and be in force from and after its passage.

APPROVED February 12th, 1875.

AN ACT

Concerning the Transaction of Judicial Business in District Courts.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. All judicial business cognizable in the District Court of the First Judicial District, in and for the County of Pinal, which arises before the first term of the District Court held in said County, may be heard and determined at any session of the said Court in Pima County, the same as if said Pinal County had not been created, and the cost of disposing of such business in the said County of Pima, shall be fairly apportioned and evidenced by the Clerk of the said District Court in Pima County, and the Chairman of the Board of Supervisors of Pima County, and when so evidenced shall be a County charge against said Pinal County, and shall be audited and allowed, by the Supervisors of said Pinal County, and paid to the Treasurer of Pima County, and the said claim shall be paid in full, before any other claim against said Pinal County or any part thereof be paid.

SEC. 2. The term of the District Court for the County of Pinal fixed for the first Monday in June, eighteen hundred and seventy-five, shall not be held.

SEC. 3. All judicial business cognizable in the District Court in Pinal County, which is begun in the District Court in Pima County, may be determined there, but at any time on the request of the Board of Supervisors of Pinal County,

and the payment of all costs then due, and the costs of transmission of any particular business, or all of said business shall be transferred to the District Court, in and for said Pinal County.

SEC. 4. The Judges of the several Judicial Districts of this Territory, may appoint one Commissioner in each County where such Judge is authorized to hold a session of the District Court, which Commissioner shall reside at the County seat of the County for which he is appointed. Every such Commissioner shall have the power of the District Judge at Chambers, as to all business cognizable in his County, arising on questions of "*Habeas Corpus*," and all orders, writs and injunctions, except that he shall not make any final determination, except on writs of "*Habeas Corpus*," he may also on request of the District Attorney of his County, issue names for Grand and Trial Jurors, and may also in the absence of the Judge, and under his direction, communicate by telegraph or otherwise, open and adjourn any term of court, the same as the Judge might do if personally present.

SEC. 5. This act shall take effect from and after its passage

APPROVED February 12th, 1875.

AN ACT

To amend chapter forty-five, Howell Code, "Of Courts of Justice in General and their Jurisdiction."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section third of chapter forty-five, Howell Code, "Of Courts of Justice in General and their Jurisdiction," be amended so as to read as follows:

§ 3 The Supreme Court shall have appellate jurisdiction in all cases wherein the legality of any tax, toll, impost or municipal fine is in question, and in all criminal cases on questions of law alone.

SEC. 2. Section four of said chapter forty-five is hereby amended so as to read as follows :

§ 4. The Supreme Court shall have jurisdiction to review upon appeal, or other proceedings provided by law :

First. A judgment in an action or proceeding commenced in a District Court, or brought into that Court from another Court when the matter in dispute exceeds one hundred dollars, or when the possession of or title to lands or tenements is in controversy ; and to review upon the appeal from such judgment any intermediate or collateral order of the Court or Judge at Chambers, involving the merits and necessarily affecting the judgment.

Second. An order granting or refusing a new trial, sustaining or overruling a demurrer, or affecting a substantial right in an action or proceeding.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

APPROVED February 12th, 1875.

AN ACT

To amend an act entitled " An act to establish the terms of the Supreme Court, approved February 17th, 1871."

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That section two of an act entitled " An act to establish the terms of the Supreme Court, approved February 17th, 1871," be and the same is hereby amended so as to read as follows :

§ 2. That the session of the Supreme Court shall hereafter, in each and every year, be held at the seat of government, commencing on the first Monday in January.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

APPROVED February 12th, 1875.

AN ACT

To amend chapter ten of Howell Code, "Of Crimes and Punishments."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That section forty-seven, chapter ten, Howell Code, be, and the same is hereby amended so as to read as follows:

§ 47. Rape is an act of sexual intercourse, accomplished with a female, not the wife of the perpetrator, under either of the following circumstances:

First. Where the female is under the age of ten years.

Second. Where she is incapable, through lunacy, or any other unsoundness of mind, whether temporary or permanent, of giving legal consent.

Third. When she resists, but her resistance is overcome by force or violence.

Fourth. Where she is prevented from resisting by threats of immediate and great bodily harm, accompanied by apparent power of execution, or by any intoxicating narcotic, or anæsthetic substance, administered by or with the privity of the accused.

Fifth. Where she is at the time unconscious of the nature of the act, and this is known to the accused.

Sixth. Where she submits, under the belief that the person committing the act is her husband, and this belief is induced by any artifice, pretense or concealment practiced by the accused, with the intent to induce such belief.

SEC. 2. Any person or person who shall be adjudged guilty of the crime of rape shall be punished by imprisonment in the Territorial prison for a term not less than five years, and which may extend to life.

SEC. 3. This act shall take effect immediately.

APPROVED February 12th, 1875.

AN ACT.

Authorizing and requiring the County Superintendent of Public Schools of Pima County, Arizona Territory, to draw his warrant on the County Treasurer of said County in favor of H. B. Summers, for any money belonging to School District Number Two, not exceeding the sum of three hundred dollars.

WHEREAS, The Trustees of School District Number Two, Pima County, Arizona Territory, employed, and the said District received, the services of H. B. Summers, as Teacher, for the period of seven months during the years of eighteen hundred and seventy-two and eighteen hundred and seventy-three, and are still indebted to him in the sum of three hundred dollars, for such service, and whereas, the County Superintendent of Public Schools has some doubt as to his right to pay any indebtedness that accrued previous to the present fiscal year; therefore

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the County Superintendent of Public Schools of Pima County be and he is hereby authorized and required to draw his warrant on the County Treasurer of said County, for any money belonging to School District Number Two, at the time of the passage of the act creating the County of Pinal, in favor of H. B. Summers, not exceeding the sum of three hundred dollars.

SEC. 2. This act shall take effect immediately.

APPROVED February 12th, 1875.

AN ACT

Regulating the Herding of Sheep.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. It shall not be lawful for the owner or person having charge of sheep to graze or herd the same upon the public lands of the United States within the distance of three

miles from the exterior limits of any Village, Town or City in this Territory. *Provided*, that any person engaged in slaughtering such sheep for market in said Village, Town or City, shall be at liberty so to graze or herd within said limits not exceeding fifty head.

SEC. 2. It shall not be lawful for the owner or person having charge of any sheep to graze or herd the same upon the public lands of the United States within this Territory, to the material injury or inconvenience of any actual settler, except as herein provided.

SEC. 3. Actual settlers upon contiguous or adjoining lands may graze or herd sheep upon the public lands of the United States, subject to the following conditions and provisions, and not otherwise:

If the possessions or claims of such settlers so lie that one is wholly more northward than the other, neither of such persons shall graze or herd sheep nearer to the possession or claim of the other than a line running east and west at equal distance between such possessions or claims for a distance of two miles either way on such line from said claims. If such possessions or claims so lie that a line running east and west would pass through both, such line or boundary shall run north and south at equal distance between said possessions or claims, and neither shall herd or graze sheep nearer to the possession or claim of the other than such line, and for a distance of two miles either way on such line from said claim.

SEC. 4. A violation of the provisions of this act is hereby declared to be a misdemeanor, and any person convicted thereof shall be punished for the first offense by a fine of not less than twenty-five nor more than fifty dollars, and upon conviction for each subsequent offense upon the same possession or claim, be punished by a fine of not less than fifty nor more than one hundred dollars.

SEC. 5. All fines collected under the provisions of this act shall be paid to the County Treasurer of the proper County, and placed to the credit of the County School Fund.

SEC. 6. Nothing in this act contained shall be construed to prevent persons holding contiguous or adjoining possessions or claims from making other and different lines or boundaries, by agreement governing the herding and grazing of sheep.

SEC. 7. To exempt the Counties of Pima, Pinal, Maricopa and Yuma from this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED February 12th, 1875.

AN ACT

Authorizing a loan on the faith and credit of the Territory, and to provide for the erection of a Territorial Prison and for the confinement of prisoners therein.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That a loan of twenty-five thousand dollars is hereby authorized to be negotiated on the faith and credit of the Territory, to be paid at the expiration of five years from the date thereof, and to bear interest at the rate of ten per cent per annum.

SEC. 2. The Treasurer of the Territory is hereby authorized and directed, when required by the Territorial Prison Commissioners, to issue bonds of the Territory in sums of fifty, one hundred, and two hundred, and fifty dollars, payable in five years from date, and not exceeding in the aggregate the said sum of twenty-five thousand dollars, in the following form, to wit.:

Bond No.

day of , A. D., 187

Five years after date the Territory of Arizona promises to pay to the order of the Governor of the Territory dollars, with interest at the rate of ten per cent per annum from date, payable annually at the Treasury of the Territory for value received.

Secretary of the Territory.
Treasurer.

SEC. 3. All such bonds shall be signed by the Secretary, with his own proper name, affixing his official character, and shall be authenticated with the great seal of the Territory, and shall be indorsed by the Governor of the Territory, with his proper name, and affixing his official character, and shall then be delivered by the Secretary to the Treasurer of the

Territory, and the Secretary shall keep a register of said bonds, showing the number and amount of each bond, and shall charge the Treasurer with the full amount of said bonds. At the time of issuing said bonds under the provisions of this act, the Territorial Treasurer shall sign a sufficient number of them with his own proper name, affixing his official character, which said signing shall bind the Territory, and shall in the same manner sign the coupons thereunto attached, as hereinafter provided. The coupons or certificates for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injuring or mutilating the bonds, and shall be severally numbered from one to five inclusive, each bearing the corresponding number of the bond to which they are attached. The Treasurer shall keep a register of all the bonds issued by him, and shall deliver to the Board of Prison Commissioners all the bonds, or such part thereof as the said Board of Prison Commissioners shall require under the provisions of this act, or upon the order of the said Board of Prison Commissioners, shall convert the said bonds into money. Upon receiving the written order of said Board of Prison Commissioners the Territorial Treasurer shall thereupon advertise for proposals for the purchase of said bonds, and at the time and place designated shall open the bids and award the sale of the bonds to the highest bidder. *Provided*, that no bonds shall be sold for a less sum than eighty cents on the dollar. And the orders of the said Commissioners on the Treasurer for either bonds or money accruing from the sale thereof shall be valid and sufficient vouchers in the hands of the Treasurer for said bonds or the money arising from the sale of the same. It shall be left to the discretion of the Board of Prison Commissioners to cause the bonds to be sold as herein provided, or to pay for the erection of the prison building with the bonds as to them shall seem most advisable.

SEC. 4. The Territorial Treasurer shall pay the interest on said bonds when due, taking the coupons as his vouchers therefor, and he may retain in his hands for that purpose a sufficient amount of money of the Territory. The said bonds and coupons after they become due shall be taken in payment for all taxes and licenses levied, assessed or collected by the Territory of Arizona. *Provided*, they shall not be received for any County tax, nor for any School tax, either County or Territorial.

SEC. 5. The Board of Territorial Prison Commissioners shall consist of three persons, two of whom shall constitute a quorum for business, and they shall be elected by a joint con-

vention of the two Houses of the Legislature by the vote of a majority of the members thereof, and shall hold their offices for two years, and until their successors are elected and qualified. In case of a vacancy the Governor shall appoint one or more as may be required to constitute a full Board. The Governor shall issue Commissions to the persons elected to the office of Prison Commissioners upon certificate of their election.

SEC. 6. The Board of Territorial Prison Commissioners are authorized and required on or before the first day of May, eighteen hundred and seventy-five, to select and locate a site for a penitentiary or Territorial Prison at or near the town of Yuma, in the County of Yuma, and purchase ground for that purpose in the name of the Territory not less than ten acres.

SEC. 7. The Board of Territorial Prison Commissioners shall adopt such plan for laying out and inclosing said grounds, and for the erection of necessary buildings thereon, as shall be deemed best for the security of convicts to be confined therein, and shall cause such buildings and inclosures to be erected as soon as practicable.

SEC. 8. The Board may also appoint a Superintendent who shall have charge of the grounds and buildings, and of the prisoners or convicts confined in the Territorial prison under such rules and regulations as may be prescribed by said Board of Territorial Prison Commissioners, and they may cause the Superintendent to appoint such number of guards as shall be necessary for the security and safe-keeping of prisoners.

SEC. 9. The Board of Territorial Prison Commissioners may, when necessary for the purchase of grounds for the prison site or for the purpose of erecting the necessary buildings or inclosures as provided in this act, draw the bonds provided for in this act from the Territorial Treasurer by an order of their Board, a copy of which order duly signed by the Board, or a majority of the members thereof, shall be sufficient voucher for the Treasurer, or should they deem it for the best interest of the Territory that said bonds should be converted into money, they shall by an order signed as above mentioned, direct the Territorial Treasurer to convert the said bonds into money, and upon the receipt of said order the Territorial Treasurer shall proceed to convert the said bonds into money in the manner provided for in section three of this act.

SEC. 10. If the bonds are converted into money as herein

provided, the said moneys shall be subject to the order of the Board of Territorial Prison Commissioners for the purpose of purchasing grounds or erecting buildings or inclosures, as provided in this act; but the said moneys nor the bonds herein provided for shall not be used for any other pupose or purposes than those in this section specified. *Provided*, that the necessary expenses for printing the bonds and for advertising and negotiating the sale of the bonds shall be paid from the fund created by this act.

SEC. 11. Each of the Territorial Prison Commissioners shall, before entering upon the duties of the office, give bonds in the sum of ten thousand dollars, with three or more sufficient sureties, to the Territory, conditioned for the faithful performance of the duties of the office, which bond shall be approved by the Governor of the Territory and filed in the office of the Secretary, and shall take and subscribe the official oath prescribed by law, which said oath shall also be filed in the office of the Secretary of the Territory.

SEC. 12. The Board of Territorial Prison Commissioners shall receive no salary, per diem, fee or other compensation for the performance of the duties herein prescribed.

SEC. 13. On and after the first day of May, eighteen hundred and seventy-five, all persons convicted of crime and sentenced to be confined in the Territorial prison, shall be confined in the prison above provided for, and it shall be the duty of the Sheriff of the County in which the Court was held that pronounced sentence upon the prisoner, to convey said prisoner to the prison provided for in this act, and he shall deliver the said prisoner to the Superintendent of the Territorial prison and take his receipt for the same, and the costs and expenses of maintaining, feeding, clothing and guarding the said prisoner after said delivery by the sheriff, shall be paid by the Territory. The costs and expenses of conveying the prisoner to the Territorial prison shall be paid to the Sheriff by his County, and the bill for said costs and expenses shall be audited and allowed by the Board of Supervisors, and paid as other County expenses are paid.

SEC. 14. The Board of Territorial Prison Commissioners shall prescribe all the necessary rules and regulations for the government of the prison and prisoners; shall prescribe the prison garb or uniform, the regimen of the prisoners and their labors, and the punishments for infractions of the rules prescribed; may contract for the feeding and clothing of the prisoners, and

may hire their labor to other persons in such manner as shall be compatible with their safe keeping. They shall hold quarterly meetings on the first Monday of January, April, July and October of each year, at which meetings they shall audit all accounts for the prison, and if they find said accounts correct they shall certify the same, which certificate shall be signed by their Chairman, and the Territorial Auditor shall, upon receipt of such certified account, draw his warrant for the amount certified to upon the Territorial Treasury, and the Territorial Treasurer shall pay such warrants as other Territorial warrants are paid.

SEC. 15. The pay of the Superintendent of the prison shall be eighteen hundred dollars per year, which shall be audited by the Board of Prison Commissioners in the manner prescribed by section thirteen of this act, and paid in the manner therein provided.

SEC. 16. The Territorial prison of the Territory of Arizona is hereby established and permanently located at the town of Yuma, in the County of Yuma, Territory of Arizona.

SEC. 17. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its passage.

APPROVED February 12th, 1875.

AN ACT

Regulating the percentage of County Treasurers.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The County Treasurer of each County in this Territory shall receive upon all moneys that shall come into his hands, except moneys received from a former Treasurer, or from the Territorial Treasurer, and all school moneys, five per cent upon the first ten thousand dollars received in any one year; upon all other moneys three per cent.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED February 12th, 1875.

AN ACT

To permanently locate the Territorial Seat of Government at Tucson, Pima County, Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That on and after the passage of this act the permanent seat of government and capital of this Territory shall be and the same is hereby established and located at the town of Tucson, in the County of Pima.

SEC. 2. All acts and parts or sections of acts hitherto passed by the Legislative Assembly of the Territory inconsistent with the provisions of this act, are hereby repealed.

APPROVED February 12th, 1875.

RESOLUTIONS.

RESOLUTIONS.

JOINT RESOLUTION

Of thanks to General George Crook.

Be it resolved by the Legislative Assembly of the Territory of Arizona :

That the thanks of the people of Arizona Territory are due, and through their Representatives in the Eighth Legislative Assembly, are hereby tendered to that gallant soldier, Brigadier-General George Crook and the officers and men under his command, for the noble services they have rendered the country in subduing the hordes of hostile Indians that had, until the advent of General Crook in our Territory, held the country under a reign of terror, and civilization in check.

That we recognize the fact that the policy that General Crook has pursued has been the means, and the only means, that could have effected the final grand achievements of peace within our Territory, and immunity from depredations from the savages. Making war as he has with vigor, when war had to be waged, and being merciful and just at all times to those in his power, he has not only commanded the respect but won the esteem of the savages themselves.

That the Secretary of the Territory be instructed to transmit a copy of these resolutions to General Crook and the Secretary of War, and to all the papers printed in this Territory.

APPROVED February 12th, 1875.

RESOLUTIONS

Requesting the Secretary of the Territory of Arizona to print certain Laws and Treaties with the Session Laws of 1875.

WHEREAS, The Mining Laws of the United States, and the Treaties of the Government of the United States with the

Republic of Mexico, being in constant use and demand by the citizens of this Territory ; therefore be it

Resolved, By the House of Representatives, the Council concurring, that the Secretary of the Territory be and he hereby is requested to have said Laws and Treaties printed with the Session Laws of this Territory for the year 1875.

APPROVED February 12th, 1875.

MEMORIALS.

MEMORIALS.

MEMORIAL.

*To the Senate and House of Representatives of the United States,
in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent, that the authority and control exercised over the Pima and Maricopa tribes of Indians, is insufficient, and ineffectual to prevent frequent depredations upon the settlements contiguous to them, as well as to prevent trouble and annoyance upon the highways of the Territory, passing through or near their villages. They trespass upon the farms and growing crops of farmers residing in their neighborhood, by burning their fences, and in many instances seriously injuring the products of the neighboring farms, as well as annoy our citizens by trespassing and depredating upon freighters, and carriers over the public highways, by running off their mules and cattle, and requiring money in payment for their return, to the great prejudice of said freighters and carriers.

Application for relief has often been made to the agents in charge of those Indians, with no beneficial result—they protesting that their power and control over these tribes is so limited as to render their efforts to prevent the grievances complained of futile.

We, therefore, earnestly ask, that such measures may be adopted by your honorable bodies as will insure the citizens of this Territory from further depredations and annoyances in the future from these Indian tribes; therefore, be it

Resolved, By the Legislative Assembly of the Territory of Arizona, that our Delegate in Congress be, and he is hereby, requested to present this memorial to the Congress of the United States, and urge its favorable consideration by all honorable means at his command. And be it further

Resolved, That the Secretary of the Territory be, and he is hereby, requested to forward a copy of this memorial to our Delegate in Congress.

APPROVED February 12th, 1875.

MEMORIAL

To the Postmaster-General of the United States relative to mail service in Arizona.

Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent to you the great importance of the mail route from San Diego, California, via Tucson, Arizona, to Messiller, New Mexico, and of the mail route from San Bernardino, California, via Prescott, Arizona, to Santa Fe, New Mexico; and believing that they are the most important mail routes in this Territory, by which the whole of the Territory, including the Military Posts and the United States Army therein, are supplied with their mails; and that the present mail service on said routes is inadequate to the fast-growing wants of the Territory; and that the Territory of Arizona has less mail facilities than any other of the Territories, there being now no daily mail service within the Territory; and believing, further, that continued and daily mail service and communication through new Territories, exerts a civilizing influence upon wild and nomadic tribes, and tends to the more rapid development of the great mineral and other productive interests of the country.

We therefore earnestly ask your favorable consideration of this, our Memorial, and for the reasons above set forth, to place upon the foregoing mentioned mail routes, a daily mail at as early a day as practicable; and be it

Resolved, by the Legislative Assembly of the Territory of Arizona, that to promote the object of this Memorial the Secretary of the Territory is hereby requested to forthwith transmit a copy of the same to the Postmaster-General, and also to our Delegate in Congress.

APPROVED February 12th, 1875.

MEMORIAL

Concerning a Penitentiary in Arizona.

To the Senate and Representatives of the United States of America, in Congress assembled:

Your memorialists and petitioners, the Legislative Assembly of the Territory of Arizona, very respectfully represent that a Territorial Penitentiary is absolutely necessary in Arizona for

the enforcement of its penal laws, and that the said Territory has received no aid from any source whatever toward the same.

Your memorialists and petitioners further represent that they have at their present session appropriated the sum of twenty-five thousand dollars toward the erection of a Penitentiary for the said Territory, and provided for the proper location of the same within its limits.

Your memorialists and petitioners, therefore, very respectfully pray your Honorable Bodies to appropriate the sum of fifty thousand dollars toward the erection of the said Penitentiary in and for the Territory of Arizona.

Resolved, also, that our Delegate in Congress be and he is hereby instructed to use all proper means to secure the favorable action of Congress upon this memorial and petition, and that the Secretary of the Territory is hereby instructed to furnish a copy of the same to our Delegate in Congress.

APPROVED February 12th, 1875.

APPENDIX.

APPENDIX.

CONTAINING THE MINING LAWS OF THE UNITED STATES, TO WIT.

1. The Mining Laws of 1866
2. The Mining Laws of 1870
3. The Mining Laws of 1872
4. Extending time of Work on Mines—1873 and 1874.
5. The act relating to possessory actions of Mining Claims.
6. The Mining Laws of Arizona

THE TREATIES WITH MEXICO, TO WIT

7. Treaty of Limits—1828 and 1831.
8. Treaty of Amity Commerce and Navigation—1831.
9. Convention for a second additional article to the Treaty of Limits—1835 and 1836.
10. Convention for the adjustment of claims of Citizens of the United States—1839
11. Treaty of Peace, Friendship, and Limits and Settlement—1848.
12. The Gadsden Treaty—1854.
13. Extradition Treaty—1862.
14. Postal Convention Treaty—1862.
15. — regulations of Postmaster-General under.
16. Treaty for Adjustment of Claims—1868.
17. — extending time of—1871.
18. — extending time of—1872
19. Treaty Regulating the Citizenship of Emigrants—1868.
20. Rules of the Supreme Court of Arizona Territory.

UNITED STATES MINING LAWS.

AN ACT

Granting the right of way to Ditch and Canal Owners over the Public Lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled :

SECTION 1. That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States, and those who have declared their intention to become citizens, subject to such regulations as may be prescribed by law, and subject also to the local customs or rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States. [Repealed.]

SEC. 2. *And be it further enacted*, That whenever any person or association of persons, claim a vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar or copper, having previously occupied and improved the same according to the local customs or rules of miners in the district where the same is situated, and having expended in actual labor and improvements thereon an amount of not less than one thousand dollars, and in regard to whose possession there is no controversy or opposing claim, it shall and may be lawful for said claimant, or association of claimants, to file in the local land-office a diagram of the same so extended laterally or otherwise as to conform to the local laws, customs and rules of miners, and to enter such tract and receive a patent therefor, granting such mine, together with the right to follow such vein or lode with its dips, angles and variations to any depth, although it may enter the land adjoining, which land adjoining shall be sold subject to this condition. [Repealed.]

SEC. 3. *And be it further enacted*, That upon the filing of the diagram as provided in the second section of this act, and posting the same in a conspicuous place on the claim, together with a notice of intention to apply for a patent, the Register

of the Land-office shall publish a notice of the same in a newspaper published nearest to the location of said claim, and shall also post such notice in his office for the period of ninety days; and, after the expiration of said period, if no adverse claim shall have been filed, it shall be the duty of the Surveyor-General, upon application of the party, to survey the premises and make a plat thereof, indorsed with his approval, designating the number and description of the location, the value of the labor and improvements, and the character of the vein exposed; and upon the payment to the proper officer of five dollars per acre, together with the cost of such survey, plat, and notice, and giving satisfactory evidence that said diagram and notice have been posted on the claim during said period of ninety days, the Register of the Land-Office shall transmit to the General Land-Office said plat, survey, and description, and a patent shall issue for the same thereupon. But said plat, survey, or description shall in no case cover more than one vein or lode, and no patent shall issue for more than one vein or lode, which shall be expressed in the patent issued. [Repealed.]

SEC. 4. *And be it further enacted*, That when such location and entry of a mine shall be upon unsurveyed lands, it shall and may be lawful, after the extension thereto of the public surveys, to adjust the surveys to the limits of the premises according to the location and possession and plat aforesaid; and the Surveyor-General may, in extending the surveys, vary the same from a rectangular form to suit the circumstances of the country and the local rules, laws, and customs of miners. *Provided*, That no location hereafter made shall exceed two hundred feet in length along the vein for each locator, with an additional claim for discovery to the discoverer of the lode, with the right to follow such vein to any depth with all its dips, variations, and angles, together with a reasonable quantity of surface for the convenient working of the same, as fixed by local rules. *And provided further*, That no person may make more than one location on the same lode, and not more than three thousand feet shall be taken in any one claim by any association of persons. [Repealed.]

SEC. 5. *And be it further enacted*, That, as a further condition of sale, in the absence of necessary legislation by Congress, the local Legislature of any State or Territory may provide rules for working mines involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

SEC. 6. *And be it further enacted*, That whenever any adverse claimants to any mine, located and claimed as aforesaid, shall appear before the approval of the survey, as provided in the third section of this act, all proceedings shall be stayed until final settlement and adjudication, in the courts of competent jurisdiction, of the rights of possession to such claim, when a patent may issue as in other cases. [Repealed.]

SEC. 7. *And be it further enacted*, That the President of the United States be, and is hereby authorized to establish additional land districts, and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this act.

SEC. 8. *And be it further enacted*, That the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

SEC. 9. *And be it further enacted*, That whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes aforesaid is hereby acknowledged and confirmed. *Provided, however*, That whenever, after the passage of this act, any person or persons shall, in the construction of any ditch or canal, injure or damage the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 10. *And be it further enacted*, That wherever, prior to the passage of this act, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the said settlers or owners of such homesteads shall have a right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty

acres; or said parties may avail themselves of the provisions of the act of Congress approved May twenty, eighteen hundred and sixty-two, entitled "An act to secure homestead to actual settlers on the public domain," and acts amendatory thereof.

SEC. 11. *And be it further enacted*, That upon the survey of the lands aforesaid, the Secretary of the Interior may designate and set apart such portions of the said lands as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands of the United States, and subject to all the laws and regulations applicable to the same.

APPROVED July 26th, 1866.

AN ACT

To amend "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That the act granting the right of way to ditch and canal owners over the public lands, and for other purposes, approved July twenty-six, eighteen hundred and sixty-six, be and the same is hereby amended by adding thereto the following additional sections, numbered twelve, thirteen, fourteen, fifteen, sixteen, and seventeen, respectively, which shall hereafter constitute and form a part of the aforesaid act:

SEC. 12. *And be it further enacted*, That claims, usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent under this act, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims. *Provided*, That where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands, no further survey or plat in such case being required, and the lands may be paid for at the rate of two dollars and fifty cents per acre. *Provided further*, That legal subdivisions of forty acres may be subdivided into ten acre

tracts; and that two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof: *And provided further*, That no location or placer-claim, hereafter made, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any *bona fide* pre-emption or homestead-claim upon agricultural lands, or authorize the sale of the improvements of any *bona fide* settler to any purchaser.

SEC. 13. *And be it further enacted*, That where said person or association, they and their grantors, shall have held and worked their said claims for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this act, in the absence of any adverse claim. *Provided, however*, That nothing in this act shall be deemed to impair any lien which may have attached in any way whatever to any mining-claim or property thereto attached prior to the issuance of a patent.

SEC. 14. *And be it further enacted*, That all *ex parte* affidavits required to be made under this act, or the act of which it is amendatory, may be verified before any officer authorized to administer oaths within the land district where the claims may be situated.

SEC. 15. *And be it further enacted*, That registers and receivers shall receive the same fees for services under this act as are provided by law for like services under other acts of Congress; and that effect shall be given to the foregoing act according to such regulations as may be prescribed by the Commissioner of the General Land-Office.

SEC. 16. *And be it further enacted*, That so much of the act of March third, eighteen hundred and fifty-three, entitled "An act to provide for the survey of the public lands in California, the granting of pre-emption rights, and for other purposes," as provides that none other than township lines shall be surveyed where the lands are mineral, is hereby repealed. And the public surveys are hereby extended over all such lands. *Provided*, That all subdividing of surveyed lands into lots less than one hundred and sixty acres may be done by

county and local surveyors at the expense of the claimants : *And provided further*, That nothing herein contained shall require the survey of waste and useless lands.

SEC. 17. *And be it further enacted*, That none of the rights conferred by sections five, eight, and nine as the act to which this act is amendatory shall be abrogated by this act, and the same are hereby extended to all public lands affected by this act; and all patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights as may have been acquired under or recognized by the ninth section of the act of which this act is amendatory. But nothing in this act shall be construed to repeal, impair, or in any way affect the provisions of the "Act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-fifth, eighteen hundred and sixty-six.

APPROVED July 9th, 1870.

AN ACT

To promote the development of the mining resources of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled :

That all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners, in the several mining-districts, so far as the same are applicable and not inconsistent with the laws of the United States.

SEC. 2. That mining-claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A

mining-claim located after the passage of this act, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining-claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing at the passage of this act shall render such limitation necessary. The end-lines of each claim shall be parallel to each other.

SEC. 3. That the locators of all mining locations heretofore made, or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists at the passage of this act, so long as they comply with the laws of the United States, and the State, Territorial, and local regulations not in conflict with said laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface-lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of said surface locations. *Provided*, That their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as aforesaid, through the end-lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of said veins or ledges. *And provided further*, That nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

SEC. 4. That where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after

the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of said tunnel.

SEC. 5. That the miners of each mining district may make rules and regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining-claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the passage of this act, and until a patent shall have been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the passage of this act, ten dollars' worth of labor shall be performed or improvements made each year for each one hundred feet in length along the vein until a patent shall have been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to re-location in the same manner as if no location of the same had ever been made. *Provided*, That the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after such failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required by this act, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion to comply with this act, his interest in the claim shall become the property of his co-owners who have made the required expenditures.

SEC. 6. That a patent for any land claimed and located for

valuable deposits may be obtained in the following manner : Any person, association, or corporation authorized to locate a claim under this act, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this act, may file in the proper land office an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the United States Surveyor-General, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted as aforesaid, and shall file a copy of said notice in such Land-Office, and shall thereupon be entitled to a patent for said land, in the manner following: The Register of the Land-Office, upon the filing of such application, plat, field-notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to said claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the Register a certificate of the United States Surveyor-General that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during said period of publication. If no adverse claim shall have been filed with the Register and the Receiver of the proper Land-Office at the expiration of the sixty days of publication it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with this act.

SEC. 7. That where an adverse claim shall be filed during the period of publication, it shall be upon oath of the person

or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment-roll with the Register of the Land-Office, together with the certificate of the Surveyor General that the requisite amount of labor has been expended, or improvements made thereon, and the description required in other cases, and shall pay to the Receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the Register to the Commissioner of the General Land-Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the Court, to rightly possess. If it shall appear, from the decision of the Court, that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the Surveyor-General, whereupon the Register shall certify the proceedings and judgment-roll to the Commissioner of the General Land-Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Proof of citizenship under this act, or the acts of July twenty-sixth, eighteen hundred and sixty-six, and July ninth, eighteen hundred and seventy, in the case of an individual, may consist of his own affidavit thereof, and in case of an association unincorporated of the affidavit of their authorized agent, made on his own knowledge or upon information and belief, and in case of a corporation organized under the laws of the United States, or of any State or Territory of the United States, by the filing of a certified copy of their charter or certificate of incorporation; and nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining-claim to any person whatever.

SEC. 8. That the description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with

reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued as aforesaid for claims upon unsurveyed lands, the Surveyor-General, in extending the surveys, shall adjust the same to the boundaries of such patented claim, according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

SEC. 9. That sections one, two, three, four, and six of an act entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, are hereby repealed, but such repeal shall not affect existing rights. Applications for patents for mining-claims now pending may be prosecuted to a final decision in the General Land-Office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this act; and all patents for mining-claims heretofore issued under the act of July twenty-six, eighteen hundred and sixty-six, shall convey all the rights and privileges conferred by this act where no adverse rights exist at the time of the passage of this act.

SEC. 10. That the act entitled "An act to amend an act granting the right of way to ditch and canal owners over the public lands, and for other purposes," approved July ninth, eighteen hundred and seventy, shall be and remain in full force, except as to the proceedings to obtain a patent, which shall be similar to the proceedings prescribed by sections six and seven of this act for obtaining patents to vein or lode claims; but where said placer claims shall be upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims hereafter located shall conform as near as practicable with the United States system of public-land surveys and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant, but where placer-claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands. *Provided*, That proceedings now pending may be prosecuted to their final determination under existing laws; but the provisions of this act, when not in conflict with existing laws, shall apply to such cases. *And provided also*, That where by the segregation of mineral land in any legal subdivision a quantity of agricultural land less than forty acres remains, said fractional portion of agricultural land may be entered by any party qualified by law, for homestead or pre-emption purposes.

SEC. 11. That where the same person, association, or corporation is in possession of a placer-claim, and also a vein or lode, included within the boundaries thereof, application shall be made for a patent for a placer-claim, with the statement it includes such vein or lode, and in such case (subject to the provisions of this act and the act entitled "An act to amend an act granting the right of way to ditch and canal owners over the public lands, and for other purposes," approved July ninth, eighteen hundred and seventy) a patent shall issue for the placer-claim, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer-claim, or any placer-claim not embracing any vein or lode claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in the second section of this act, is known to exist within the boundaries of a placer-claim, an application for a patent for such placer-claim, which does not include an application for the vein or lode claim, shall be construed as a conclusive declaration that the claimant of the placer-claim has no right of possession of the vein or lode-claim; but where the existence of a vein or lode in a placer-claim is not known, a patent for the placer-claim shall convey all valuable mineral and other deposits within the boundaries thereof.

SEC. 12. That the Surveyor-General of the United States may appoint in each land district containing mineral lands as many competent Surveyors as shall apply for appointment to survey mining-claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer-claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States Deputy Surveyor to make the survey. The Commissioner of the General Land-Office shall also have power to establish the maximum charges for surveys and publication of notices under this act; and, in case of excessive charges for publication, he may designate any newspaper published in a Land District where mines are situated, for the publication of mining-notices in such District, and fix the rates to be charged by such paper; and, to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the Register a sworn statement of all charges and fees paid by said applicant for publication and surveys, together with all fees and money paid the Regis-

ter and the Receiver of the Land-Office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land-Office. The fees of the Register and the Receiver shall be five dollars each for filing and acting upon each application for patent or adverse claim filed, and they shall be allowed the amount fixed by law for reducing testimony to writing, when done in the Land-Office, such fees and allowances to be paid by the respective parties; and no other fees shall be charged by them in such cases. Nothing in this act shall be construed to enlarge or affect the rights of either party in regard to any property in controversy at the time of the passage of this act, or of the act entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," approved July twenty-sixth, eighteen hundred and sixty-six, nor shall this act affect any right acquired under said act; and nothing in this act shall be construed to repeal, impair, or in any way affect the provisions of the act entitled "An act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-fifth, eighteen hundred and sixty-six.

SEC. 13. That all affidavits required to be made under this act, or the act of which it is amendatory, may be verified before any officer authorized to administer oaths within the Land District where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the Register and Receiver of the Land-Office. In cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken as herein provided, on personal notice of at least ten days to the opposing party; or, if said party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the Register of the Land-Office as published nearest to the location of such land; and the Register shall require proof that such notice has been given.

SEC. 14. That where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection. *Provided, however,* That the subsequent location shall have the right of way through said space of intersection for the purposes of the convenient working of the said mine. *And provided also,* That where two or more

veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

SEC. 15. That where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface-ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable under this act to veins or lodes. *Provided*, That no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this act for the superficies of the lode. The owner of a quartz mill or reduction-works, not owning a mine in connection therewith, may also receive a patent for his mill-site, as provided in this section.

SEC. 16. That all acts and parts of acts inconsistent herewith are hereby repealed. *Provided*, That nothing contained in this act shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws.

APPROVED May 10th, 1872.

AN ACT

To amend an act entitled "An act to promote the development of the mining resources of the United States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That the provisions of the fifth section of the act entitled "An act to promote the development of the mining resources of the United States," passed May tenth, eighteen hundred and seventy-two, which requires expenditures of labor and improvements on claims located prior to the passage of said act, are hereby so amended that the time for the first annual expenditure on claims located prior to the passage of said act shall be extended to the tenth day of June, eighteen hundred and seventy-four.

APPROVED March 1st, 1873.

AN ACT

To amend the act entitled "An act to promote the development of the mining resources of the United States," passed May tenth, eighteen hundred and seventy-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That the provisions of the fifth section of the act entitled "An act to promote the development of the mining resources of the United States," passed May tenth, eighteen hundred and seventy-two, which requires expenditures of labor and improvements on claims located prior to the passage of said act, are hereby so amended that the time for the first annual expenditure on claims located prior to the passage of said act shall be extended to the first day of January, eighteen hundred and seventy-five.

APPROVED June 6th, 1874.

AN ACT

Providing for a District and a Circuit Court of the United States for the District of Nevada, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

* * * * *

SECTION 9. *And be it further enacted,* That no possessory action between individuals in any of the Courts of the United States for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land on which such mines are, is in the United States, but each case shall be adjudged by the law of possession.

APPROVED February 27th, 1865.

AN ACT

Allowing persons in the military service of the United States and of this Territory to hold Mining Claims.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. All persons in the military service of the United States or this Territory shall be allowed to locate claims on mineral lodes or veins in the limits of this Territory, subject to the requirements of the mining laws of this Territory, and shall be protected in the possession of the same, and shall have the same rights in all respects, in regard to such claims, as like persons not in the military service.

SEC. 2. All the laws of any mining district contrary to the spirit and provisions of this act are declared to be null and void, and shall not be in evidence in any Court having jurisdiction of mining suits in this Territory.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED November 9th, 1864.

AN ACT

Of placer mines and mining.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. It shall be lawful for any person, company or association who shall place upon the mineral lands of this Territory, commonly called placer mining grounds, a pump or pumps having a capacity sufficient to raise at least one hundred gallons of water per minute, with an engine or other power attached thereto, of sufficient power to work the same, with the *bona fide* intention of working the said placer grounds for the purpose of extracting the gold therefrom, to locate an amount of said placer grounds equal in extent to one-quarter section, in such form and direction as he or they may elect. *Provided*, that said location shall in no case be more than one mile in length, nor less than one-quarter of a mile in width; and, *provided*, that said machinery shall be used at least three months in each year for raising water to extract the gold from said grounds, and the presence of said machinery upon said grounds

shall be the only evidence of title to said grounds; but in no case shall this act be so construed as to mean placer grounds which can be worked by water brought in ditches or flumes from any stream or other deposit of water; and said locations shall not in any case be made upon any grounds in the possession of any miner or miners at the time of location.

SEC. 2. This act shall only apply to the County of Yuma.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED December 30th, 1865.

AN ACT

Providing for the location and registration of Mines and Mineral Deposits, and for other purposes.

SECTION 1. The mining districts heretofore created in the several counties of this Territory are hereby authorized and empowered to make all necessary rules and regulations for the location, registry and working of mines therein. *Provided*, that all locations and registrations of mines and mineral deposits hereafter made in any of the said districts shall be transmitted to the County Recorder, for record within sixty days after the same shall have been located.

SEC. 2. The County Recorders of the several counties are authorized and required to procure suitable books in which the records of all mines and mineral deposits shall be kept, which said books shall be paid for out of the County Treasury, and they shall receive for their services herein, the following fees: For recording and indexing each claim not exceeding one folio, one dollar; and for each additional folio, twenty cents.

SEC. 3. Nothing in this act shall be so construed as to affect the claims to mines and mineral deposits heretofore located and duly recorded.

SEC. 4. The claim of the Territory to all mining claims heretofore located is hereby abandoned, and the same are hereby

declared open to re-location and registry. *Provided*, that nothing herein contained shall be so construed as to affect mining claims heretofore sold and disposed of by the Territory.

SEC. 5. Nothing in this act shall be construed to apply to placer mines or mining, or other mineral deposits other than those commonly called veins or lode mines.

SEC. 6. Chapter fifty of the Howell Code, entitled "Of the registry and government of Mines and Mineral Deposits," as well as all other acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after the first day of January, A. D. eighteen hundred and sixty-seven.

APPROVED November 5th, 1866.

AN ACT

To provide for the Segregation of Mining Claims.

SECTION 1. That whenever any one or more joint owners or tenants in common of gold, silver, copper or mineral bearing ledges or claims may desire to work or develop such ledges or claims, and any other owner or owners thereof shall fail or refuse to join in said work, after due notice of at least thirty days, given by publication in one newspaper printed in the County in which said ledges or claims are located, and if none be printed in said County, then in any newspaper printed in the Territory, said notice to have publication in four successive weeks of said paper, said other owner or owners may, upon application to the District Court of the district wherein the ledge or claim is situated, cause the interests of said parties so refusing to be set off or segregated as hereinafter set forth.

SEC. 2. The owner or owners of any mineral-bearing ledge or claim, after the expiration of said thirty days' notice having been given, may, if the party or parties notified fail or refuse to join in the working or developing said ledge or claim, apply to the District Court of the district wherein the ledge or claim

may be situated, for a partition or segregation of the interest or interests of the party or parties so failing or refusing to join.

SEC. 3. The party or parties so applying shall set forth the fact that the said parties have been duly notified, in accordance with section one of this act, and that said party or parties have failed or refused to join in said work; all of which shall be sustained by the oath or affirmation of one or more of the parties applying; and, upon such application being made, the clerk of the said court shall post a notice at the office of the County Recorder, and in two other conspicuous places within the District, stating the application, and notifying the parties interested, that unless they appear within sixty days, and show good cause why the prayer of the petitioner should not be granted, that the same will be granted if good cause can be shown.

SEC. 4. At the expiration of said sixty days, if the party or parties notified do not appear and show good cause why the prayer of the petitioner should not be granted, the Court shall appoint two Commissioners to go upon the ground, and segregate the claims of the parties refusing to join; and, in case they do not agree, they to choose a third party; and said Commissioners shall make a report in writing to said Court, who shall issue a decree in conformity with said report, which shall be final, except appeal be taken to the Supreme Court within thirty days after issuance thereof.

SEC. 5. The provisions of this act shall not apply to the County of Yavapai.

SEC. 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 7. This act to take effect and be in force from and after its passage.

APPROVED September 30th, 1867.

TREATIES WITH MEXICO.

TREATY OF LIMITS.

Concluded January 12, 1828, and 5th April, 1831.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA — A
PROCLAMATION.

WHEREAS, a Treaty of Limits between the United States of America, and the United Mexican States, was concluded and signed by the Plenipotentiaries of the two countries, at Mexico, on the twelfth of January, one thousand eight hundred and twenty-eight :

WHEREAS, also, an additional article thereto was concluded and signed by the Plenipotentiaries of the two countries, at Mexico, on the fifth of April, one thousand eight hundred and thirty-one, which Treaty and additional article are word for word as follows :

The limits of the United States of America, with the bordering Territories of Mexico, having been fixed and designated by a solemn Treaty, concluded and signed at Washington, on the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, between the respective Plenipotentiaries of the Government of the United States of America, on the one part, and of that of Spain on the other : *And whereas*, the said Treaty having been sanctioned at a period when Mexico constituted a part of the Spanish Monarchy, it is deemed necessary now to confirm the validity of the aforesaid Treaty of Limits, regarding it as still in force and binding between the United States of America and the United Mexican States :

With this intention, the President of the United States of America has appointed Joel Roberts Poinsett their Plenipotentiary ; and the President of the United Mexican States their Excellencies Sebastian Camacho and José Ygnacio Esteva :

And the said Plenipotentiaries having exchanged their full powers, have agreed upon and concluded the following articles :

ARTICLE I.

The dividing limits of the respective bordering Territories of the United States of America and of the United Mexican

States, being the same as were agreed and fixed upon by the above-mentioned Treaty of Washington, concluded and signed on the twenty-second day of February, in the year one thousand eight hundred and nineteen, the two high contracting parties will proceed forthwith to carry into full effect the third and fourth articles of said Treaty, which are herein recited, as follows :

ARTICLE II.

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river, to the thirty-second degree of latitude; thence by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then, following the course of the Rio Roxo westward, to the degree of longitude one hundred west from London, and twenty-three from Washington; then, crossing the said Red River, and running thence by a line due north, to the river Arkansas; thence following the course of the southern bank of the Arkansas, to its source, in latitude forty-two north; and thence, by that parallel of latitude, to the South Sea: the whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, eighteen hundred and eighteen. But, if the source of the Arkansas River shall be found to fall north or south of latitude forty-two, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude forty-two; and thence, along the said parallel, to the South Sea. All the islands in the Sabine, and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United States, but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the Territories described by the said line; that is to say: the United States hereby cede to his Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the Territories lying west and south of the above-described line; and, in like manner, his Catholic Majesty cedes to the said United States all his rights, claims, and pretensions, to any Territories east and north of the said line; and for himself, his heirs, and successors, renounces all claim to the said Territories forever.

ARTICLE III.

To fix this line with more precision, and to place the land-marks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a Commissioner and a Surveyor, who shall meet before the termination of one year from the date of the ratification of this Treaty, at Natchitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the River Arkansas, and to ascertain the latitude of the source of the said River Arkansas, in conformity to what is agreed upon and stipulated, and the line of latitude forty-two, to the South Sea. They shall make out plans and keep journals of their proceedings; and the result agreed upon by them shall be considered as part of this Treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ARTICLE IV.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Washington, within the term of four months, or sooner if possible.

In witness whereof, we, the respective Plenipotentiaries, have signed the same, and have hereunto affixed our respective seals.

Done at Mexico, this twelfth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, in the fifty-second year of the Independence of the United States of America, and in the eighth of that of the United Mexican States.

J. R. POINSETT, [L. S.]
S. CAMANCHO, [L. S.]
J. Y. ESTEVA. [L. S.]

Additional article to the Treaty of Limits concluded between the United States of America and the United Mexican States, on the twelfth day of January, eighteen hundred and twenty-eight.

The time having elapsed which was stipulated for the exchange of ratifications of the Treaty of Limits between the United Mexican States and the United States of America, signed in Mexico on the twelfth of January, eighteen hundred

and twenty-eight; and both Republics being desirous that it should be carried into full and complete effect, with all due solemnity, the President of the United States of America has fully empowered, on his part, Anthony Butler, a citizen thereof, and and Charge d' Affaires of the said States in Mexico; and the Vice-President of the United Mexican States, acting as President thereof, has, in like manner, fully empowered, on his part, their Excellencies Lucas Alaman, Secretary of State and Foreign Relations, and Rafael Mangino, Secretary of the Treasury, who, after having exchanged their mutual powers, found to be ample in form, have agreed, and do hereby agree, on the following article:

The ratifications of the Treaty of Limits, concluded on the twelfth day of January, eighteen hundred and twenty-eight, shall be exchanged at the city of Washington, within the term of one year, counting from the date of this agreement, and sooner should it be possible.

The present additional article shall have the same force and effect as if it had been inserted word for word in the afore-said Treaty of twelfth January, of eighteen hundred and twenty-eight, and shall be approved and ratified in the manner prescribed by the Constitutions of the respective States.

In faith of which, the said Plenipotentiaries have hereunto set their hands and affixed their respective seals.

Done in Mexico, the fifth of April, of the year one thousand eight hundred and thirty-one, the fifty-fifth of the Independence of the United States of America, and the eleventh of that of the United Mexican States.

A. BUTLER, [L. s.]
LUCAS ALAMAN, [L. s.]
RAFAEL MANGINO. [L. s.]

AND WHEREAS, the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington on the fifth day of April, one thousand eight hundred and thirty-two, by Edward Livingston, Secretary of State of the United States of America, and José Montoya, Chargé d' Affaires of the United Mexican States, on the part of their respective Governments:

Now, therefore, be it known, That I, Andrew Jackson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith, by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this fifth day of April,
in the year of our Lord one thousand eight hundred and thirty-two, and of the Independence of the United States the fifty-sixth.

ANDREW JACKSON.

By the President :

EDW. LIVINGSTON, *Secretary of State*.

TREATY OF AMITY, COMMERCE, AND NAVIGATION.

Concluded on the fifth of April, 1831.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, — A
PROCLAMATION.

WHEREAS, a Treaty of Amity, Commerce, and Navigation, between the United States of America and the United Mexican States, was concluded and signed by the Plenipotentiaries of the two countries, at Mexico, on the fifth of April, one thousand eight hundred and thirty-one, which Treaty is word for word as follows :

The United States of America and the United Mexican States, desiring to establish upon a firm basis the relations of friendship that so happily subsist between the two Republics, have determined to fix in a clear and positive manner the rules which shall in future be religiously observed between both, by means of a Treaty of Amity, Commerce and Navigation. For which important object, the President of the United States of America has appointed Anthony Butler, a citizen of the United States, and Chargé d' Affaires of the United States of America near the United Mexican States, with full powers ; and the Vice-President of the United Mexican States, in the exercise of the Executive power, having conferred like full powers on his Excellency Lucas Alaman, Secretary of State for Home and Foreign Affairs, and his Excellency Rafael Mangino, Secretary of the Treasury ; and the aforesaid Plenipotentiaries, after having compared and exchanged in due form their several powers as aforesaid, have agreed upon the following articles :

ARTICLE I.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the United States of

America and the United Mexican States in all the extent of their possessions and Territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the United Mexican States, designing to take for the basis of their agreement the most perfect equality and reciprocity, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation, which shall not immediately become common to the other party; who shall enjoy the same freely, if the concession was freely made, or upon the same conditions, if the concession was conditional.

ARTICLE III.

The citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their vessels and cargoes to all such places, ports, and rivers of the United States of America and of the United Mexican States, to which other foreigners are permitted to come; to enter into the same, and to remain and reside in any part of the said territories, respectively; also, to hire and occupy houses and warehouses for the purposes of their commerce, and to trade therein, in all sorts of produce, manufactures, and merchandise; and, generally, the merchants and traders of each nation shall enjoy the most complete protection and security for their commerce.

And they shall not pay higher, or other duties, imposts, or fees whatsoever, than those which the most favored nations are or may be obliged to pay; and shall enjoy all the rights, privileges, and exemptions, with respect to navigation and commerce, which the citizens of the most favored nations do or may enjoy; but subject always to the laws, usages and statutes of the two countries respectively.

The liberty to enter and discharge the vessels of both nations, of which this article treats, shall not be understood to authorize the coasting trade, which is permitted to National vessels only.

ARTICLE IV.

No higher or other duties shall be imposed on the importation into the United Mexican States of any article, the produce, growth or manufacture of the United States of America, than those which the same or like articles, the produce, growth, or manufacture of any other foreign country, do now or may hereafter pay; nor shall articles, the produce, growth or manufacture of the United Mexican States, be subject on their

introduction into the United States of America to higher or other duties than those which the same or like articles of any other foreign country do now or may hereafter pay.

Higher duties shall not be imposed in the respective States on the exportation of any article to the States of the other contracting party, than those which are now or may hereafter be paid on the exportation of the like articles to any other foreign country; nor shall any prohibition be established on the exportation or importation of any article, the produce, growth, or manufacture of the United States of America, or of the United Mexican States, respectively, in either of them, which shall not in like manner be established with respect to other foreign countries.

ARTICLE V.

No higher or other duties or charges on account of tonnage, light or harbor dues, pilotage, salvage in case of damage or shipwreck, or any other local charge, shall be imposed in any of the ports of Mexico on vessels of the United States of America, than those payable in the same ports by Mexican vessels; nor in the ports of the United States of America, on Mexican vessels, than shall be payable in the same ports on vessels of the United States of America.

ARTICLE VI.

The same duties shall be paid on the importation into the United Mexican States, of any article, the growth, produce, or manufacture of the United States of America, whether such importation shall be in Mexican vessels or in vessels of the United States of America; and the same duties shall be paid on the importation into the United States of America, of any article, the growth, produce, or manufacture of Mexico, whether such importation shall be in vessels of the United States of America or in Mexican vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to Mexico of any articles, the growth, produce, or manufacture of the United States of America, whether such exportation shall be in Mexican vessels or in vessels of the United States of America; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles, the growth, produce, or manufacture of Mexico, to the United States of America, whether such exportation shall be in vessels of the United States of America, or in Mexican vessels.

ARTICLE VII.

All merchants, captains, or commanders of vessels, and other citizens of the United States of America, shall have full liberty in the United Mexican States to direct or manage themselves their own affairs, or to commit them to the management of whomsoever they may think proper, either as broker, factor, agent, or interpreter; nor shall they be obliged to employ for the aforesaid purposes any other persons than those employed by Mexicans, nor to pay them higher salaries or remuneration than such as are in like cases paid by Mexicans; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the prices of any goods, wares or merchandise imported into, or exported from, the United Mexican States, as they may think proper; observing the laws, usages, and customs of the country. The citizens of Mexico shall enjoy the same privileges in the States and Territories of the United States of America, being subject to the same conditions.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor shall their vessels, cargoes, merchandise, or effects, be detained for any military expedition, nor for any public or private purpose whatsoever, without a corresponding compensation.

ARTICLE IX.

The citizens of both countries, respectively, shall be exempt from compulsory service in the army or navy; nor shall they be subjected to any other charges, or contributions, or taxes, than such as are paid by the citizens of the States in which they reside.

ARTICLE X.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, with the precautions which may be deemed expedient on the part of the respective Governments in order to avoid fraud, giving to them all favor and

protection for repairing their vessels, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE XI.

All vessels, merchandise, or effects, belonging to the citizens, of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried into or found in the rivers, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form, their rights before the competent tribunal; it being well understood that the claim shall be made within one year, counting from the capture of said vessels or merchandise, by the parties themselves, or their attorneys, or by the agents of the respective Governments.

ARTICLE XII.

When any vessel belonging to the citizens of either of the contracting parties, shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to it all the assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise effects, with the precautions which may be deemed expedient on the part of the respective Governments, in order to avoid fraud, without exacting for it any duty, impost, or contribution whatever, until they be exported.

ARTICLE XIII.

In whatever relates to the succession of (personal) estates either by will or *ab intestato* (and the right of) disposal of such property, of whatever sort or denomination it may be, by sale, donation, exchange, or testament, or in any other manner whatsoever, the citizens of the two contracting parties shall enjoy, in their respective States and Territories, the same privileges, exemptions, liberties, and rights, as native citizens; and shall not be charged, in any of these respects, with other or higher duties or imposts, than those which are now, or may hereafter be paid by the citizens of the power in whose Territories they may reside.

ARTICLE XIV.

Both the contracting parties promise and engage to give

their special protection to the persons and property of the citizens of each other, of all occupations, who may be in their Territories, subject to the jurisdiction of the one or of the other, transient or dwelling therein; leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defense of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and the citizens of either party, or their agents, shall enjoy in every respect, the same rights and privileges, either in prosecuting or defending their rights of person or of property, as the citizens of the country where the cause may be tried.

ARTICLE XV.

The citizens of the United States of America, residing in the United Mexican States, shall enjoy in their houses, persons and properties, the protection of the Government with the most perfect security and liberty of conscience; they shall not be disturbed or molested in any manner on account of their religion, so long as they respect the Constitution, the laws, and established usages of the country where they reside; and they shall also enjoy the privilege of burying the dead in places which now are, or may hereafter be assigned for that purpose; nor shall the funerals or sepulchres of the dead be disturbed in any manner, nor under any pretext.

The citizens of the United Mexican States shall enjoy, throughout all the States and Territories of the United States of America, the same protection; and shall be allowed the free exercise of their religion, in public or in private, either within their own houses, or in the chapels or places of worship set apart for that purpose.

ARTICLE XVI.

It shall be lawful for the citizens of the United States of America and of the United Mexican States, respectively, to sail with their vessels with all manner of security and liberty, no distinction being made who are the owners of the merchandise laden thereon, from any port to the places of those who now are, or may hereafter be, at enmity with the United States of America or with the United Mexican States. It shall likewise be lawful for the aforesaid citizens, respectively, to sail with their vessels and merchandise before mentioned, and to trade with the same liberty and security from the places, ports,

and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Government or under several; and it is hereby stipulated that free ships shall also give freedom to goods; and that every thing shall be deemed free and exempt which shall be found on board the vessel belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free vessel, so that, although they be enemies to either party, they shall not be made prisoners, or taken out of that free vessel, unless they are soldiers, and in the actual service of the enemy. By the stipulation that the flag shall cover the property, the two contracting parties agree that this shall be so understood with respect to those powers who recognize this principle; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

ARTICLE XVII.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemies' vessels shall be held and considered as enemies' property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterward if it were done without the knowledge of it; but the contracting parties agree that four months having elapsed after the declaration, their citizens shall not plead ignorance thereof; on the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise embarked in such enemy's vessel shall be free.

ARTICLE XVIII.

This liberty of commerce and navigation shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name

of contraband or prohibited goods, shall be comprehended, first, cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts; and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms; secondly, bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in a military form, and for a military use; third, cavalry belts and horses with their furniture; fourthly, and generally, all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

ARTICLE XIX.

All other merchandise and things not comprehended in the articles of contraband expressly enumerated and classified as above, shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in that particular, it is declared that those places only are besieged or blockaded, which are actually besieged or blockaded by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XX.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for the enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the vessel, that the owners may dispose of them as they see proper. No vessels of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this, and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

ARTICLE XXI.

And, whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the

same is besieged, blockaded, or invested, it is agreed that every vessel so situated, may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless after warning of such blockade or investment from the commanding officer of the blockading force, she should again attempt to enter the aforesaid port; but she shall be permitted to go to any other port or place she may think proper. Nor shall any vessel of either of the contracting parties, that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor if found therein after the surrender, shall such vessel or her cargo be liable to confiscation, but she shall be restored to the owner thereof.

ARTICLE XXII.

In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that, whenever a vessel of war, public or private, should meet with a neutral vessel of the other contracting party, the first shall remain out of cannon shot, and may send his boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed vessels shall be responsible with their persons and property; and for this purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatsoever.

ARTICLE XXIII.

To avoid all kinds of vexation and abuse in the examination of papers relating to the ownership of vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the vessel, and also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the citizens of one of the contracting parties; they have likewise agreed that such ves-

sels being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the vessel sailed, so that it may be known whether any forbidden or contraband goods be on board the same ; which certificate shall be made out by the officers of the place whence the vessel sailed, in the accustomed form ; without which requisites, the said vessel may be detained to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent to the satisfaction of the competent tribunal.

ARTICLE XXIV.

It is further agreed, that the stipulations above expressed, relative to visiting and examination of vessels, shall only apply to those which sail without convoy ; and when said vessels are under convoy, the verbal declaration of the commander of the convoy, or his word of honor that the vessels under his protection belong to the nation whose flag he carries, and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXV.

It is further agreed, that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reason or motives on which the same shall have been founded ; and an authenticated copy of the sentence or decree, in conformity with the laws and usages of the country, and of all the proceedings of the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXVI.

For the greater security of the intercourse between the citizens of the United States of America and of the United Mexican States, it is agreed now for them, that if there should be at any time hereafter an interruption of the friendly relations which now exist, or a war unhappily break out between the two contracting parties, there shall be allowed the term of six months to the merchants residing on the coast, and one year to

those residing in the interior of the States and Territories of each other, respectively, to arrange their business, dispose of their effects, or transport them wheresoever they may please, giving them a safe-conduct to protect them to the port they may designate. Those citizens who may be established in the States and Territories aforesaid, exercising any other occupation or trade, shall be permitted to remain in the uninterrupted enjoyment of their liberty and property, so long as they conduct themselves peaceably, and do not commit any offense against the laws: and their goods and effects, of whatever class and condition they may be, shall not be subject to any embargo or sequestration whatever, nor to any charge nor tax other than may be established upon similar goods and effects belonging to the citizens of the State in which they reside, respectively; nor shall the debts between individuals, nor moneys in the public funds, or in public or private banks, or shares in companies, be confiscated, embargoed, or detained.

ARTICLE XXVII.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nation do or may enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the United Mexican States may find proper to give to the ministers and public agents of any other power, shall by the same act be extended to those of each of the contracting parties.

ARTICLE XXVIII.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their character, they shall, before entering upon the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants of the Consular District in which they reside. It is agreed likewise to receive and admit Consuls and Vice-Consuls in all the ports and places open to foreign commerce, who shall enjoy therein all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation, each of the contracting parties remaining at liberty to except those ports and

places in which the admission and residence of such Consuls and Vice-Consuls may not seem expedient.

ARTICLE XXIX.

It is likewise agreed that the Consuls, Vice-Consuls, their Secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all compulsory public service, and also from all kind of taxes, imposts, and contributions levied specially on them, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being in every thing besides subject to the laws of their respective States. The archives and papers of the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

ARTICLE XXX.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention and custody of deserters from the public and private vessels of their country; and for that purpose, they shall address themselves to the Courts, Judges, and officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the register of the vessel, or ship's roll, or other public documents, that the man or men demanded were part of said crews; and on this demand so proved (saving always where the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be placed at the disposal of said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the vessels to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

ARTICLE XXXI.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXII.

For the purpose of regulating the interior commerce between the frontier territories of both Republics, it is agreed that the Executive of each shall have power, by mutual agreement, of determining on the route and establishing the roads by which such commerce shall be conducted ; and in all cases where the caravans employed in such commerce may require convoy and protection by military escort, the Supreme Executive of each nation shall, by mutual agreement, in like manner, fix on the period of departure for such caravans, and the point at which the military escort of the two nations shall be exchanged. And it is further agreed, that, until the regulations for governing this interior commerce between the two nations shall be established, the commercial intercourse between the State of Missouri of the United States of America, and New Mexico in the United Mexican States, shall be conducted as heretofore, each Government affording the necessary protection to the citizens of the other.

ARTICLE XXXIII.

It is likewise agreed that the two contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries ; and the better to attain this object, both parties bind themselves expressly to restrain, by force, all hostilities and incursions on the part of the Indian nations living within their respective boundaries ; so that the United States of America will not suffer their Indians to attack the citizens of the United Mexican States, nor the Indians inhabiting their territory ; nor will the United Mexican States permit the Indians residing within their territories to commit hostilities against the citizens of the United States of America, nor against the Indians residing within the limits of the United States, in any manner whatever.

And in the event of any person or persons captured by the Indians who inhabit the territory of either of the contracting parties, being or having been carried into the territories of the other, both Governments engage and bind themselves in the most solemn manner to return them to their country as soon as they know of their being within their respective territories, or to deliver them up to the agent or representative of the Government that claims them, giving to each other, reciprocally, timely notice, and the claimant paying the expenses incurred in the transmission and maintenance of such person

or persons, who, in the meantime, shall be treated with the utmost hospitality by the local authorities of the place where they may be. Nor shall it be lawful, under any pretext whatever, for the citizens of either of the contracting parties to purchase or hold captive prisoners made by the Indians inhabiting the territories of the other.

ARTICLE XXXIV.

The United States of America and the United Mexican States, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this Treaty or general convention of amity, commerce and navigation, have declared solemnly, and do agree to the following points:

First. The present Treaty shall remain and be of force for eight years from the day of the exchange of the ratifications, and until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of eight years. And it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either of the parties from the other party, this Treaty, in all its parts relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both the contracting parties.

Secondly. If any one or more of the citizens of either party shall infringe any of the articles of this Treaty, such citizens shall be held personally responsible for the same; and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

Thirdly. If (what indeed cannot be expected) any of the articles contained in the present Treaty should be violated or infringed in any manner whatever, it is stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

Fourthly. Nothing in this Treaty contained shall, however, be construed to operate contrary to former and existing public Treaties with other Sovereigns or States.

The present Treaty of amity, commerce, and navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Vice-President of the United Mexican States, with the consent and approbation of the Congress thereof: and the ratifications shall be exchanged in the city of Washington, within the term of one year, to be counted from the date of the signature hereof; or sooner, if possible.

In witness whereof, we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents.

Done in the city of Mexico, on the fifth day of April, in the year of our Lord one thousand eight hundred and thirty-one, in the fifty-fifth year of the Independence of the United States of America, and in the eleventh of that of the United Mexican States.

A. BUTLER,	[L. s.]
LUCAS ALAMAN,	[L. s.]
RAFAEL MANGINO.	[L. s.]

Additional article.

WHEREAS, In the present state of the Mexican shipping, it would not be possible for Mexico to receive the full advantage of the reciprocity established in the fifth and sixth articles of the Treaty signed this day, it is agreed that for the term of six years, the stipulations contained in the said articles shall be suspended; and in lieu thereof, it is hereby agreed that, until the expiration of the said term of six years, American vessels entering into the ports of Mexico, and all articles, the produce, growth, or manufacture of the United States of America, imported in such vessels, shall pay no other or higher duties than are or may hereafter be payable in the said ports by the vessels and the like articles, the growth, produce, or manufacture of the most favored nation; and, reciprocally, it is agreed that Mexican vessels entering into the ports of the United States of America, and all articles, the growth, produce, or manufacture of the United Mexican States, imported in such vessels, shall pay no other or higher duties than are, or may hereafter be, payable in the said ports by the vessels and the like articles, the growth, produce or manufacture of the most favored nation; and that no higher duties shall be paid, or bounties or drawbacks allowed, on the exportation of any article, the growth, produce, or manufacture of either country, in the vessels of the other, than upon the exportation of the like articles in the vessels of any other foreign country.

The present additional article shall have the same force and value as if it had been inserted, word for word, in the Treaty signed this day. It shall be ratified, and the ratifications exchanged at the same time.

In witness whereof, we, the respective Plenipotentiaries, have signed and sealed the same.

Done at Mexico, on the fifth day of April, one thousand eight hundred and thirty-one.

A. BUTLER, [L. s.]
 LUCAS ALAMAN, [L. s.]
 RAFAEL MANGINO. [L. s.]

AND WHEREAS, the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington on the fifth day of April, one thousand eight hundred and thirty-two, by Edward Livingston, Secretary of State of the United States of America, and José Montoya, Chargé d'Affaires of the United Mexican States, on the part of their respective governments :

Now, therefore be it known that I, Andrew Jackson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this fifth day of April, in the year of our Lord one thousand eight hundred and thirty-two, and of the Independence of the United States the fifty-sixth.

ANDREW JACKSON.

By the President:

EDW. LIVINGSTON, *Secretary of State.*

CONVENTION FOR A SECOND ADDITIONAL ARTICLE TO THE TREATY OF LIMITS.

Concluded April 3, 1835 — Ratified April 21, 1836.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA — A
PROCLAMATION.

WHEREAS, A convention for a second additional article to the Treaty of Limits between the United States of America and the United Mexican States, the ratifications of which were exchanged in this city on the fifth day of April, one thousand eight hundred and thirty-two, was concluded and signed by their Plenipotentiaries in the city of Mexico, on the third day of April, one thousand eight hundred and thirty-five, which convention is word for word as follows :

A Treaty having been concluded and signed in the city of Mexico, on the twelfth day of January, one thousand eight hundred and twenty-eight, between the United States of America and the United Mexican States, for the purpose of establishing the true dividing line and boundary between the two nations, the third article of which treaty is as follows : "To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a Commissioner and a Surveyor, who shall meet before the termination of one year from the date of the ratification of this Treaty, at Natchitoches, on the Red River, and proceed to run and mark said line from the mouth of the Sabine to the Red River, and from the Red River to the River Arkansas, and to ascertain the latitude of the source of said River Arkansas, in conformity to what is agreed upon and stipulated, and the line of latitude forty-two degrees to the South Sea. They shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this Treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary." And the ratifications of said Treaty having been exchanged in the city of Washington, on the fifth day of April, in the year of eighteen hundred and thirty-two, but from various causes the contracting parties have been unable to perform the stipulations contained in the above-mentioned

third article, and the period within which the said stipulations could have been executed, has elapsed, and both Republics being desirous that the said Treaty should be carried into effect with all due solemnity, the President of the United States of America has for that purpose fully empowered on his part Anthony Butler, a citizen thereof and Chargé d'Affaires of said States in Mexico; and the acting President of the United Mexican States having in like manner fully empowered on his part their Excellencies José Maria Gutierrez de Estrada, Secretary of State for Home and Foreign Affairs, and José Mariano Blasco, Secretary of the Treasury; and the said Plenipotentiaries, after having mutually exchanged their full powers, found to be ample and in form, they have agreed and do hereby agree to the following second additional article to the said Treaty.

Within the space of one year, to be estimated from the date of the exchange of the ratifications of this said additional article, there shall be appointed by the Government of the United States of America and of the United Mexican States, each a Commissioner and Surveyor, for the purpose of fixing with more precision the dividing line, and for establishing the landmarks of boundary and limits between the two nations, with the exactness stipulated by the third article of the Treaty of Limits, concluded and signed in Mexico on the twelfth day of January, eighteen hundred and twenty-eight, and the ratifications of which were exchanged in Washington city on the fifth day of April, eighteen hundred and thirty-two. And the present additional article shall have the same force and effect as if it had been inserted word for word in the above-mentioned Treaty of the twelfth of January, eighteen hundred and twenty-eight, and shall be approved and ratified in the manner prescribed by the Constitutions of the respective States.

In faith of which the said Plenipotentiaries have hereunto set their hands and affixed their respective seals.

Done in the city of Mexico on the third day of April, in the year of our Lord one thousand eight hundred and thirty-five, in the fifty-ninth year of the Independence of the United States of America, and the fifteenth of that of the United Mexican States.

A. BUTLER,	[L. s.]
J. M. GUTIERREZ DE ESTRADA,	[L. s.]
JOSÉ MARIANO BLASCO.	[L. s.]

AND WHEREAS, the said Convention has been duly ratified on both parts, and the respective ratifications of the same were

exchanged at Washington, the twentieth day of April, one thousand eight hundred and thirty-six, by John Forsyth, Secretary of State of the United States of America, and J. M. de Castillo y Lanzas, Chargé d'Affaires of the Mexican Republic, on the part of their respective Governments:

Now, therefore, be it known that I, Andrew Jackson, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof. In witness whereof, I have hereunto set my hand, and have caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-first day
[L. S.] of April, in the year of our Lord one thousand eight hundred and thirty-six, and of the independence of the United States the sixtieth.

ANDREW JACKSON.

By the President:

JOHN FORSYTH, *Secretary of State.*

CONVENTION FOR THE ADJUSTMENT OF CLAIMS.

Concluded April 11, 1839.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.—A PROCLAMATION.

WHEREAS, A convention for the adjustment of claims of citizens of the United States of America upon the Government of the Mexican Republic was concluded and signed at Washington on the eleventh day of April, in the year of our Lord one thousand eight hundred and thirty-nine, which convention, being in the English and Spanish languages, is word for word as follows:

Convention for the Adjustment of Claims of Citizens of the United States of America upon the Government of the Mexican Republic.

WHEREAS, A convention for the adjustment of claims of citizens of the United States upon the Government of the Mexi-

can Republic was concluded and signed at Washington on the 10th day of September, 1838, which convention was not ratified on the part of the Mexican Government, on the alleged ground that the consent of his Majesty, the King of Prussia, to provide an arbitrator to act in the case provided by said convention could not be obtained :

AND WHEREAS the parties to said convention are still, and equally, desirous of terminating the discussions which have taken place between them in respect to said claims arising from injuries to the persons and property of citizens of the United States by Mexican authorities, in a manner equally advantageous to the citizens of the United States by whom said injuries have been sustained, and more convenient to Mexico than that provided by said convention ; the President of the United States has named for this purpose, and furnished with full powers, John Forsyth, Secretary of State of the said United States ; and the President of the Mexican Republic has named his Excellency Senor Don Francisco Pizarro Martinez, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic to the United States, and has furnished him with full powers for the same purpose. And the said plenipotentiaries have agreed upon and concluded the following articles :

ARTICLE I.

It is agreed that all claims of citizens of the United States upon the Mexican Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State or to the Diplomatic Agent of the United States at Mexico, until the signature of this convention shall be referred to four Commissioners, who shall form a board and be appointed in the following manner, namely: Two Commissioners shall be appointed by the President of the United States, by and with the advice and consent of the Senate thereof, and two Commissioners by the President of the Mexican Republic. The said Commissioners so appointed shall be sworn impartially to examine and decide upon said claims according to such evidence as shall be laid before them on the part of the United States and the Mexican Republic respectively.

ARTICLE II.

The said board shall have two Secretaries, versed in the English and Spanish languages ; one to be appointed by the President of the United States, by and with the advice and

consent of the Senate thereof, and the other by the President of the Mexican Republic. And the said Secretaries shall be sworn faithfully to discharge their duty in that capacity.

ARTICLE III.

The said board shall meet in the city of Washington within three months after the exchange of the ratifications of this convention, and within eighteen months from the time of its meeting shall terminate its duties. The Secretary of State of the United States shall, immediately after the exchange of the ratifications of this convention, give notice of the time of the meeting of the said board, to be published in two newspapers in Washington, and in such other papers as he may think proper.

ARTICLE IV.

All documents which now are in, or hereafter, during the continuance of the commission constituted by this Convention, may come into, the possession of the Department of State of the United States, in relation to the aforesaid claims, shall be delivered to the board. The Mexican Government shall furnish all such documents and explanations as may be in their possession, for the adjustment of the said claims according to the principles of justice, the law of nations, and the stipulations of the treaty of amity and commerce between the United States and Mexico of the 5th of April, 1831; the said documents to be specified when demanded at the instance of said Commissioners.

ARTICLE V.

The said Commissioners shall, by a report under their hands and seals, decide upon the justice of the said claims, and the amount of compensation, if any, due from the Mexican Government in each case.

ARTICLE VI.

It is agreed that if it should not be convenient for the Mexican Government to pay at once the amount so found due, it shall be at liberty, immediately after the decisions in the several cases shall have taken place, to issue treasury notes, receivable at the Maritime Custom-House of the Republic in payment of any duties which may be due or imposed at said Custom-House upon goods entered for importation or exportation; said treasury notes to bear an interest at the rate of

eight per centum per annum from the date of the award on the claim in payment of which said treasury notes shall have been issued until that of their receipt at the Mexican Custom-Houses. But as the presentation and receipt of said treasury notes at said Custom-Houses in large amounts might be inconvenient to the Mexican Government, it is further agreed, that, in such case, the obligation of said Government to receive them in payment of duties, as above stated, may be limited to one-half the amount of said duties.

ARTICLE VII.

It is further agreed that in the event of the Commissioners differing in relation to the aforesaid claims, they shall, jointly or severally, draw up a report stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed. And it is agreed that the said report or reports, with authenticated copies of all documents upon which they may be founded, shall be referred to the decision of his Majesty the King of Prussia. But as the documents relating to the aforesaid claims are so voluminous that it cannot be expected his Prussian Majesty would be willing or able personally to investigate them, it is agreed that he shall appoint a person to act as an arbiter in his behalf; that the person so appointed shall proceed to Washington; that his traveling expenses to that city, and from thence on his return to his place of residence in Prussia, shall be defrayed, one-half by the United States and one-half by the Mexican Republic; and that he shall receive as a compensation for his services a sum equal to one-half the compensation that may be allowed by the United States to one of the Commissioners to be appointed by them, added to one-half the compensation that may be allowed by the Mexican Government to one of the Commissioners to be appointed by it. And the compensation of such arbiter shall be paid, one-half by the United States and one-half by the Mexican Government.

ARTICLE VIII.

Immediately after the signature of this Convention, the Plenipotentiaries of the contracting parties (both being thereunto competently authorized) shall, by a joint note, addressed to the Minister for Foreign Affairs of his Majesty the King of Prussia, to be delivered by the Minister of the United States at Berlin, invite the said Monarch to appoint an umpire to act in his behalf in the manner above mentioned, in case this Convention shall be ratified respectively by the Governments of the United States and Mexico.

ARTICLE IX.

It is agreed that, in the event of his Prussian Majesty's declining to appoint an umpire to act in his behalf, as aforesaid, the contracting parties, on being informed thereof, shall, without delay, invite her Britannic Majesty, and, in case of her declining, his Majesty the King of the Netherlands, to appoint an umpire to act in their behalf, respectively, as above provided.

ARTICLE X.

And the contracting parties further engage to consider the decision of such umpire to be final and conclusive on all the matters so referred.

ARTICLE XI.

For any sums of money which the Umpire shall find due to citizens of the United States by the Mexican Government, treasury notes shall be issued in the manner aforementioned.

ARTICLE XII.

And the United States agree forever to exonerate the Mexican Government from any further accountability for claims which shall either be rejected by the board or the arbiter aforesaid, or which, being allowed by either, shall be provided for by the said Government in the manner before mentioned.

ARTICLE XIII.

And it is agreed that each Government shall provide compensation for the Commissioners and Secretary to be appointed by it; and that the contingent expenses of the board shall be defrayed, one moiety by the United States and one moiety by the Mexican Republic.

ARTICLE XIV.

This Convention shall be ratified, and the ratifications shall be exchanged at Washington within twelve months from the signature hereof, or sooner, if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Mexican Republic, have signed and sealed these presents.

Done in the city of Washington, on the 11th day of April, in the year of our Lord one thousand eight hundred and thirty-

nine, in the sixty-third year of the Independence of the United States of America, and the nineteenth of that of the Mexican Republic.

FRAN. PIZARRO MARTINEZ [L. s.]
JOHN FORSYTH. [L. s.]

AND WHEREAS, the said Convention has been duly ratified on both parts, and the respective ratifications of the same have been exchanged :

Now, therefore, be it known, that I, Martin Van Buren, President of the United States, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States, and the citizens thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this eighth day of April, in the year of our Lord one thousand [L. s.] eight hundred and forty, and of the Independence of the United States the sixty-fourth.

M. VAN BUREN.

By the President:

JOHN FORSYTH,
Secretary of State.

TREATY OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT.

Dated at Guadalupe Hidalgo, 2d February, 1848. — Ratified by the President U. S., 16th March, 1848. — Exchanged at Queretaro 30th May, 1848. — Proclaimed by the President U. S 4th July, 1848.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. — A PROCLAMATION.

WHEREAS, a Treaty of Peace, Friendship, Limits, and Settlement, between the United States of America and the Mexican Republic, was concluded and signed at the city of Guadalupe Hidalgo on the second day of February, one thousand eight hundred and forty-eight, which Treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is word for word as follows :

In the name of Almighty God: The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily

exists between the two Republics, and to establish upon a solid basis relations of peace and friendship which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two people should live as good neighbors, have for that purpose appointed their respective Plenipotentiaries—that is to say, the President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said Republic, who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following

*Treaty of Peace, Friendship, Limits and Settlement between
-the United States of America and the Mexican Republic.*

ARTICLE I.

There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

ARTICLE II.

Immediately upon the signature of this treaty, a convention shall be entered into between a Commissioner or Commissioners appointed by the General-in-chief of the forces of the United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ARTICLE III.

Immediately upon the ratification of the present treaty by the Government of the United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the Government of the Mexican Republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same

condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican Republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay; the Mexican Government hereby binding itself to afford every faculty in its power for rendering the same convenient to the troops, on their march in their new positions and for promoting a good understanding between them and the inhabitants. In like manner, orders shall be dispatched to the persons in charge of the Custom-Houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports collected at such Custom-Houses, or elsewhere in Mexico, by authority of the United States, from and after the day of the ratification of this treaty by the Government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the city of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican Republic by the troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty, all estates, forts, territories, places and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following article, shall be definitely restored to the said Republic, together with all the artillery, arms, apparatus of war, munitions and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the Government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be dispatched

to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, etc.

The final evacuation of the Territory of the Mexican Republic by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican Government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season, on the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the General-in-Chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places at a distance from the ports not exceeding thirty leagues shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season, shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the Government of the said United States will exact the release of such captives, and cause them to be restored to their country.

ARTICLE V.

The boundary line between the two Republics shall commence in the gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point

where it strikes the southern boundary of New Mexico: thence westwardly along the whole southern boundary of New Mexico (which runs north of the town called *Paso*) to its western termination; thence northward along the western line of New Mexico, until it intersects the first branch of the river Gila (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same): thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "*Map of the United Mexican States, as organized and defined by various Acts of the Congress of said Republic, and constructed according to the best authorities. Revised edition. Published at New York in 1847, by J. Disturnell.*" Of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned Plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year one thousand seven hundred and eighty-two, by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year one thousand eight hundred and two, in the Atlas to the voyage of the schooners *Sutil* and *Mexicana*, of which plan a copy is hereunto added, signed and sealed by the respective Plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both Republics, as described in the present article, the two Governments shall each appoint a Commissioner and a Surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this Treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this Treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree regarding

what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two Republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general Government of each, in conformity with its own Constitution.

ARTICLE VI.

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the River Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the Gulf of California and the River Colorado, and not by land, without the express consent of the Mexican Government.

If, by examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the River Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the Governments of both Republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ARTICLE VII.

The River Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two Republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels, or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said river navigable, or for maintaining them in such a state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

The stipulations contained in the present article shall not

impair the Territorial rights of either Republic within its established limits.

ARTICLE VIII.

Mexicans now established in Territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present Treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said Territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said Territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this Treaty; and those who shall remain in the said Territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said Territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it, guarantees equally ample as if the same belonged to citizens of the United States.

ARTICLE IX.

The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ARTICLE X.

[Stricken out.]

ARTICLE XI.

Considering that a great part of the Territories which, by

the present Treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the Government of the United States, and whose incursions within the Territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of the United States whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted — all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own Territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the Territory of either of the two Republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican Territory by such Indians.

And in the event of any person or persons, captured within Mexican Territory by Indians, being carried into the Territory of the United States, the Government of the latter engages and binds itself, in the most solemn manner, as soon as it shall know of such captives being within its Territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican Government. The Mexican authorities will, as far as practicable, give to the Government of the United States notice of such captures; and its agents shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the meantime, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the Government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its Territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said

Government when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but on the contrary, special care shall be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

ARTICLE XII.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present Treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars.

Immediately after this Treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said Government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual installments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present Treaty by the Mexican Government, and the first of the installments shall be paid at the expiration of one year from the same day. Together with each annual installment, as it falls due, the whole interest accruing on such installment from the beginning shall also be paid.

ARTICLE XIII.

The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican Republic, under the conventions between the two Republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three: so that the Mexican Republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

ARTICLE XIV.

The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not

heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this Treaty: which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the Board of Commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

ARTICLE XV.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever canceled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one-quarter millions of dollars. To ascertain the validity and amount of those claims, a Board of Commissioners shall be established by the Government of the United States, whose awards shall be final and conclusive. *Provided*, that in deciding upon the validity of each claim, the Board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favor of any claim not embraced by these principles and rules.

If, in the opinion of the said Board of Commissioners, or of the claimants, any books, records or documents in the possession or power of the Government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the Commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican Government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records or documents so specified, which shall be in their possession or power (or authenticated copies or extracts of the same), to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said Board of Commissioners. *Provided*, that no such application shall be made by, or at the instance of, any claimant, until the facts which it is expected to prove by such books, records or documents, shall have been stated under oath or affirmation.

ARTICLE XVI.

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its Territory it may judge proper so to fortify, for its security.

ARTICLE XVII.

The Treaty of Amity, Commerce and Navigation, concluded at the city of Mexico, on the fifth day of April, A. D. eighteen hundred and thirty-one, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said Treaty may be incompatible with any stipulation contained in the present Treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this Treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ARTICLE XVIII.

All supplies whatever for the troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the Government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation which they may know of or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ARTICLE XIX.

With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either Republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

1. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this Treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

3. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property, described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-houses at such port, no person shall be required by the Mexican authorities, whether general or State, to pay any tax,

duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

ARTICLE XX.

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this Treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects, and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this Treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

ARTICLE XXI.

If unhappily any disagreement should hereafter arise between the Governments of the two Republics, whether with respect to the interpretation of any stipulation in this Treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said Governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one Republic against the other, until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good-neighborship, whether it would not be better that such difference should be settled by the arbitration of Commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

ARTICLE XXII.

If (which is not to be expected, and which God forbid!) war should unhappily break out between the two Republics, they

do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules: absolutely, where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:

1. The merchants of either Republic then residing in the other shall be allowed to remain twelve months (for those residing in the interior) and six months (for those dwelling at the seaports), to collect their debts and settle their affairs; during which periods, they shall enjoy the same protection, and be on the same footing in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance: conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the Territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take any thing from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, nor bound, nor otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldiers shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and as good as are provided by the party in whose power they are, for his own

troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer or other prisoner shall forfeit so much of the benefit of this article as provides for his liberty on parole or cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such rations as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners appointed by itself, with every cantonment of prisoners in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute, whatever comforts may be sent to them by their friends; and shall be free to transmit his report in open letters to the party by whom he is employed.

And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and during which its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ARTICLE XXIII.

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of its General Congress; and the ratifications shall be exchanged in the City of Washington, or at the seat of Government of Mexico, in four

months from the date of signature hereof, or sooner if practicable.

IN FAITH WHEREOF, we, the respective plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement; and have hereunto affixed our seals, respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

N. P. TRIST,	[L. s.]
LUIS G. CUEVAS,	[L. s.]
BERNARDO COUTTO,	[L. s.]
MIGL. ATRISTAIN.	[L. s.]

AND WHEREAS the said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Queretaro on the thirtieth day of May last, by Ambrose H. Sevier, and Nathan Clifford, Commissioners on the part of the Government of the United States, and by Señor Don Louis de la Rosa, Minister of Relations of the Mexican Republic, on the part of that Government:

Now, therefore, be it known that I, James K. Polk, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this fourth day
of July, one thousand eight hundred
[L. s.] and forty-eight, and of the Independ-
ence of the United States the seventy-
third.

JAMES K. POLK.

By the President:

JAMES BUCHANAN, *Secretary of State.*

ARTICLES REFERRED TO IN THE FIFTEENTH
ARTICLE OF THE PRECEDING TREATY.

*First and Fifth Articles of the unratified Convention between
the United States and the Mexican Republic of the 20th
November, 1843.*

ARTICLE I.

All claims of citizens of the Mexican Republic against the Government of the United States, which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the Government of the Mexican Republic, which, for whatever cause, were not submitted to, nor considered nor finally decided by, the Commission, nor by the arbiter appointed by the Convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to four Commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: Two Commissioners shall be appointed by the President of the Mexican Republic, and the other two by the President of the United States, with the approbation and consent of the Senate. The said Commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two Republics.

ARTICLE V.

All claims of citizens of the United States against the Government of the Mexican Republic, which were considered by the Commissioners, and referred to the umpire appointed under the Convention of the 11th April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this Convention, on the points submitted to the umpire under the late Convention, and his decision shall be final and conclusive. It is also agreed, that, if the respective Commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.

THE GADSDEN TREATY.

Dated at the City of Mexico, 30th December, 1853. Ratified by the President of the United States, 29th June, 1854. Exchanged at Washington, 30th June, 1854. Proclaimed by the President of the United States, 30th June, 1854.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA — A PROCLAMATION.

WHEREAS, A treaty between the United States of America and the Mexican Republic was concluded and signed at the city of Mexico, on the thirtieth day of December, one thousand eight hundred and fifty-three; which treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is word for word as follows:

*In the name of Almighty God:—*The Republic of Mexico and the United States of America, desiring to remove every cause of disagreement which might interfere in any manner with the better friendship and intercourse between the two countries, and especially in respect to the true limits which should be established, when, notwithstanding what was covenanted in the treaty of Guadalupe Hidalgo in the year 1848, opposite interpretations have been urged, which might give occasion to questions of serious moment; to avoid these, and to strengthen and more firmly maintain the peace which happily prevails between the two Republics, the President of the United States has, for this purpose, appointed James Gadsden, Envoy Extraordinary and Minister Plenipotentiary of the same, near the Mexican Government, and the President of Mexico has appointed as Plenipotentiary "*ad hoc*" his Excellency Don Manuel Diez de Bonilla, Cavalier Grand Cross of the National and distinguished Order of Guadalupe, and Secretary of State, and of the office of Foreign Relations, and Don José Salazar Ylarregui and General Mariano Monterde, as Scientific Commissioners, invested with full powers for this negotiation, who, having communicated their respective full powers, and finding them in due and proper form, have agreed upon the articles following:

ARTICLE I.

The Mexican Republic agrees to designate the following as her true limits with the United States for the future: retaining the same dividing line between the two Californias as already defined and established, according to the fifth article of the

Treaty of Guadalupe Hidalgo, the limits between the two Republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the Treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of thirty-one degrees forty-seven minutes north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of thirty-one degrees twenty minutes north latitude; thence along the said parallel of thirty-one degrees twenty minutes to the one hundred and eleventh meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and Colorado Rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

For the performance of this portion of the Treaty, each of the two Governments shall nominate one Commissioner, to the end that, by common consent, the two thus nominated, having met in the city of Paso del Norte, three months after the exchange of the ratifications of this Treaty, may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the mixed Commission, according to the Treaty of Guadalupe, keeping a journal and making proper plans of their operations. For this purpose, if they should judge it necessary, the contracting parties shall be at liberty each to unite to its respective Commissioner, scientific or other assistants, such as Astronomers and Surveyors, whose concurrence shall not be considered necessary for the settlement and ratification of a true line of division between the two Republics; that line shall be alone established upon which the Commissioners may fix, their consent in this particular being considered decisive and an integral part of this Treaty, without necessity of ulterior ratification or approval, and without room for interpretation of any kind by either of the parties contracting.

The dividing line thus established shall, in all time, be faithfully respected by the two Governments, without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations, and in accordance with the constitution of each country respectively.

In consequence, the stipulation in the fifth article of the Treaty of Guadalupe upon the boundary line therein described, is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and

abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

ARTICLE II.

The Government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the Treaty of Guadalupe Hidalgo; and the said article and the thirty-third article of the Treaty of Amity, Commerce and Navigation between the United States of America and the United Mexican States, concluded at Mexico on the fifth day of April, eighteen hundred and thirty-one, are hereby abrogated.

ARTICLE III.

In consideration of the foregoing stipulations, the Government of the United States agrees to pay to the Government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications of this Treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked and established.

ARTICLE IV.

The provisions of the sixth and seventh articles of the Treaty of Guadalupe Hidalgo having been rendered nugatory, for the most part, by the cession of territory granted in the first article of this Treaty, the said articles are hereby abrogated and annulled, and the provisions as herein expressed substituted therefor. The vessels and citizens of the United States shall, in all time, have free and uninterrupted passage through the Gulf of California, to and from their possessions situated north of the boundary line of the two countries. It being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government; and precisely the same provisions, stipulations, and restrictions, in all respects, are hereby agreed upon and adopted, and shall be scrupulously observed and enforced by the two contracting Governments in reference to the Rio Colorado, so far and for such distance as the middle of that river is made their common boundary line by the first article of this Treaty.

The several provisions, stipulations, and restrictions contained in the seventh article of the Treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del

Norte, below the initial of the said boundary provided in the first article of this Treaty; that is to say, below the intersection of the thirty-one degrees forty-seven minutes thirty seconds parallel of latitude, with the boundary line established by the late Treaty dividing said river from its mouth upward, according to the fifth article of the Treaty of Guadalupe.

ARTICLE V.

All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the Treaty of Guadalupe Hidalgo, shall apply to the Territory ceded by the Mexican Republic in the first article of the present Treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth.

ARTICLE VI.

No grants of land within the territory ceded by the first article of this Treaty bearing date subsequent to the day—twenty-fifth of September—when the Minister and subscriber to this Treaty on the part of the United States proposed to the Government of Mexico to terminate the question of boundary, will be considered valid or be recognized by the United States, or will any grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico.

ARTICLE VII.

Should there at any future period (which God forbid) occur any disagreement between the two nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference; and should they still in this manner not succeed, never will they proceed to a declaration of war, without having previously paid attention to what has been set forth in article twenty-one of the Treaty of Guadalupe for similar cases; which article, as well as the twenty-second, is here reaffirmed.

ARTICLE VIII.

The Mexican Government having on the fifth of February, one thousand eight hundred and fifty-three, authorized the early construction of a plank and railroad across the Isthmus of Tehuantepec, and to secure the stable benefits of said transit way to the persons and merchandise of the citizens of Mexico

and the United States, it is stipulated that neither Government will interpose any obstacle to the transit of persons and merchandise of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign Government.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States Government and its citizens, which may be intended for transit, and not for distribution on the isthmus, free of custom-house or other charges by the Mexican Government. Neither passports nor letters of security will be required of persons crossing the isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican Government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

The two Governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that Government may have occasion to send from one part of its Territory to another, lying on opposite sides of the continent.

The Mexican Government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by public or international law.

ARTICLE IX.

This Treaty shall be ratified, and the respective ratifications shall be exchanged at the city of Washington within the exact period of six months from the date of its signature, or sooner, if possible.

In testimony whereof, we, the Plenipotentiaries of the contracting parties, have hereunto affixed our hands and seals at Mexico, the thirtieth (30th) day of December, in the year of our Lord one thousand eight hundred and fifty-three, in the thirty-third year of the Independence of the Mexican Republic, and the seventy-eighth of that of the United States.

JAMES GADSDEN,	[L.S.]
MANUEL DIEZ DE BONILLA,	[L.S.]
JOSE SALAZAR YLARREGUI,	[L.L.]
J. MARINO MONTERDE.	[L.S.]

AND WHEREAS, the said Treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same have this day been exchanged at Washington, by William L. Marcy, Secretary of State of the United States, and Señor General Don Juan N. Almonte, Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic, on the part of their respective Governments :

Now, therefore, be it known that I, Franklin Pierce, President of the United States of America, have caused the said Treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this thirtieth day of June, in the year of our Lord one thousand eight [L.S.] hundred and fifty-four, and of the Independence of the United States the seventy-eighth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY,
Secretary of State.

EXTRADITION TREATY.

Signed at Mexico, December 11, 1861. Ratified by President of the United States, April 11, 1862. Exchanged at Mexico, May 20, 1862. Proclaimed by the President of the United States, June 10, 1862.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.—A
PROCLAMATION.

WHEREAS, A Treaty between the United States of America and the Republic of Mexico, for the extradition of criminals, was concluded and signed at the city of Mexico, on the eleventh day of December, one thousand eight hundred and sixty-one, which Treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is word for word as follows :

Treaty between the United States of America and the United Mexican States for the Extradition of Criminals.

The United States of America and the United Mexican

States, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective Territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Treaty for this purpose, and have named as their respective Plenipotentiaries, that is to say :

The President of the United States of America has appointed Thomas Corwin, a citizen of the United States, and their Envoy Extraordinary and Minister Plenipotentiary near the Mexican Government; and the President of the United Mexican States has appointed Sebastian Lerdo de Tejada, a citizen of said States, and a deputy of the Congress of the Union, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles :

ARTICLE I.

It is agreed that the contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes enumerated in article third of the present Treaty, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the Territories of the other. *Provided*, that this shall be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

ARTICLE II.

In the case of crimes committed in the frontier States or Territories of the two contracting parties, requisitions may be made through their respective diplomatic agents, or through the chief civil authority of said States or Territories, or through such chief civil or judicial authority of the Districts or Counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or when, from any cause, the civil authority of such State or Territory shall be suspended, through the chief military officer in command of such State or Territory.

ARTICLE III.

Persons shall be so delivered up who shall be charged, according to the provisions of this Treaty, with any of the

following crimes, whether as principals, accessaries, or accomplices, to wit: murder (including assassination, parricide, infanticide, and poisoning); assault with intent to commit murder; mutilation, piracy, arson, rape, kidnapping, defining the same to be the taking and carrying away of a free person by force or deception; forgery, including the forging or making, or knowingly passing or putting in circulation counterfeit coin or bank notes, or other paper current as money, with intent to defraud any person or persons; the introduction or making of instruments for the fabrication of counterfeit coin or bank notes, or other paper current as money; embezzlement of public moneys; robbery, defining the same to be the felonious and forcible taking from the person of another of goods or money to any value, by violence or putting him in fear; burglary, defining the same to be breaking and entering into the house of another with intent to commit felony; and the crime of larceny of cattle, or other goods and chattels, of the value of twenty-five dollars or more, when the same is committed within the Frontier States or Territories of the contracting parties.

ARTICLE IV.

On the part of each country the surrender of fugitives from justice shall be made only by the authority of the executive thereof, except in the case of crimes committed within the limits of the frontier States and Territories, in which latter case the surrender may be made by the chief civil authority thereof, or such chief civil or judicial authority of the districts or Counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories; or if, from any cause, the civil authority of such State or Territory shall be suspended, then such surrender may be made by the chief military officer in command of such State or Territory.

ARTICLE V.

All expenses whatever of detention and delivery effected in virtue of the preceding provisions, shall be borne and defrayed by the Government or authority of the frontier State or Territory in whose name the requisition shall have been made.

ARTICLE VI.

The provisions of the present treaty shall not be applied in any manner to any crime or offense of a purely political char-

acter, nor shall it embrace the return of fugitive slaves, nor the delivery of criminals who, when the offense was committed, shall have been held in the place where the offense was committed in the condition of slaves, the same being expressly forbidden by the Constitution of Mexico; nor shall the provisions of the present treaty be applied in any manner to the crimes enumerated in the third article committed anterior to the date of the exchange of the ratifications hereof.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty.

ARTICLE VII.

This treaty shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated except by mutual consent, unless the party desiring to abrogate it shall give twelve months' previous notice.

ARTICLE VIII.

The present treaty shall be ratified in conformity with the Constitutions of the two countries, and the ratifications shall be exchanged at the city of Mexico within six months from the date hereof, or earlier if possible.

IN WITNESS WHEREOF, we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents.

Done in the city of Mexico, on the eleventh day of December, in the year of our Lord one thousand eight hundred and sixty-one, the eighty-sixth of the Independence of the United States of America, and the forty-first of that of the United Mexican States.

THOMAS CORWIN, [L. s.]
SEB'N TERDO DE TEJADA. [L. s.]

AND WHEREAS, the said Treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Mexico on the twentieth ultimo.

Now, therefore, be it known that I, Abraham Lincoln, President of the United States of America, have caused the said treaty to be made public to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twentieth day of June, in the year of our Lord one thousand eight hundred and sixty-two, and of the independence of the United States of America the eighty-sixth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

POSTAL CONVENTION.

Signed at Mexico December 11, 1861. Ratified by President of the United States, February 17, 1862. Exchanged at Mexico, May 20, 1862. Proclaimed by President of the United States, June 20, 1862.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.—A PROCLAMATION.

WHEREAS, A Postal Convention between the United States of America and the Republic of Mexico was concluded and signed at the city of Mexico on the eleventh day of December, one thousand eight hundred and sixty-one, which Convention, being in the English and Spanish languages, is word for word as follows:

Postal Convention between the United States of America and the United Mexican States.

The United States of America and the United Mexican States, being desirous of drawing more closely the friendly relations existing between the two countries, and of facilitating the prompt and regular transmission of correspondence between their respective Territories, have resolved to conclude a Postal Convention, and have named as their Plenipotentiaries, that is to say: The President of the United States of America has appointed Thomas Corwin, a citizen of the United States and their Envoy Extraordinary and Minister Pleni-

potentiary near the Mexican Government, and the President of the United Mexican States has appointed Sebastian Lerdo de Tejada, a citizen of the said States and a deputy of the Congress of the Union, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

There shall be charged upon all letters, newspapers, reviews or other periodical publications, printed pamphlets, or other printed matter conveyed either by United States or by Mexican vessels, between a port in the United States of America and a port in Mexico, the following sea rates of postage, that is to say:

1. Upon all letters not exceeding half an ounce in weight, the rate of seven cents; and upon all letters weighing more than half an ounce, an additional rate of seven cents for each additional half ounce or fraction thereof.

2. Upon every newspaper, daily or other, the rate of one cent.

3. Upon reviews or other periodical publications, printed pamphlets, or other printed matter, the rate of one cent for every ounce or fraction of an ounce weight.

The said newspapers, reviews, or other periodical publications, printed pamphlets, or other printed matter, shall be sent in narrow bands or covers, open at the sides or ends, so that they may be easily examined, subject to the laws and regulations of each country, respectively.

ARTICLE II.

There shall be charged by the Post-Office of the United States of America, upon all letters, newspapers, printed pamphlets, or other printed matter mailed in the United States and forwarded to Mexico by sea, whether by United States or by Mexican vessels, such rates of inland postage as are now or may hereafter be established by the laws of the United States, and the rate of sea postage prescribed in article first, which inland and sea postage shall be combined into one rate and paid always in advance.

Such prepayment shall be certified by the appropriate stamps of the United States Post-Office, and the postage so paid shall belong exclusively to the United States of America.

There shall be charged by the Post-Office of the United Mexican States upon all letters, newspapers, printed pamph-

lets, or other printed matter mailed in Mexico and forwarded to the United States of America by sea, whether by Mexican or by United States vessels, such rates of inland postage as are now or may hereafter be established by the laws of Mexico, and the rate of sea postage prescribed in article first, which inland and sea postage shall be combined into one rate and paid always in advance.

Such prepayment shall be certified by the appropriate stamps of the Post-Office of the United Mexican States, and the postage so paid shall belong exclusively to Mexico.

ARTICLE III.

Upon all letters, newspapers, printed pamphlets, or other printed matter received in the United States of America from Mexico by sea, there will be charged by the United States such rates of inland postage as are now, or may hereafter be established by the laws of the United States, which shall be collected at the place of destination and shall belong exclusively to the United States of America, and *vice versa* upon all letters, newspapers, printed pamphlets, or other printed matter received in Mexico from the United States of America by sea, there will be charged by Mexico such rates of inland postage as are now, or may hereafter be, established by the laws of Mexico, which shall be collected at the place of destination, and shall belong exclusively to Mexico.

ARTICLE IV.

All letters, newspapers, printed pamphlets, or other printed matter mailed in the United States of America and addressed to any place in the Mexican United States, or *vice versa*, when not conveyed by sea, shall be charged with the rate of inland postage of the country from which such mail matter is sent, which shall be prepaid, and with the inland postage of the country receiving, which shall be collected at the place of destination.

Such postage shall belong respectively to the country collecting the same.

ARTICLE V.

All letters, newspapers, printed pamphlets, or other printed matter mailed in the one country for the other, or received in the one country from the other, whether by land or sea conveyance, shall be free from any detention or inspection whatever, and shall in the one case be forwarded by the most speedy means to their destination, and in the other be promptly deliv-

ered to the respective persons to whom they are addressed, being subject, in their transmission, to the laws and regulations of each country, respectively.

ARTICLE VI.

So soon as steam or other mail packets, under the flag of either of the contracting parties, shall have commenced running between their respective ports of entry, whether under subvention from the United States or from Mexico, the contracting parties agree to receive at those ports all mailable matter, and to forward it as directed, the destination being to some regular Post-Office of either country, charging thereupon only the rates established by the present convention.

Mails for the United States of America shall be made up at regular intervals by the Mexican Post-Office, and dispatched to ports of the United States; and, in the same manner, mails for Mexico shall be made up at regular intervals by the United States Post-Office, and dispatched to ports in Mexico.

ARTICLE VII.

The United Mexican States engage to grant to the United States of America the transit, in closed mails, free from any postage, duties, imposts, detention, or examination whatever, through the United Mexican States, or any of their possessions or territories, of letters, newspapers, printed pamphlets, or other printed matter, forwarded from the United States of America, or any of their possessions or territories, to any other possession or territory of the United States of America, or to any foreign country, or from any foreign country, or possession or territory of the United States of America, to the United States of America, their possessions or territories.

A mail agent of the United States of America shall be permitted to accompany the closed mails in their transit.

The United States of America, on their part, engage to grant to the United Mexican States the transit, in closed mails, free from any postage, duties, imposts, detention, or examination whatever, through the United States of America, or any of their possessions or territories, of letters, newspapers, printed pamphlets, or other printed matter, forwarded from the United Mexican States, or any of their possessions or territories, to any other Mexican possession or territory, or to any foreign country, or from any foreign country, or Mexican possession or territory, to the United Mexican States, their possessions or territories.

A mail agent of Mexico shall be permitted to accompany the closed mails in their transit.

ARTICLE VIII.

The means of making the transit of closed mails, under the stipulations of article seventh of the present convention, shall be arranged between the General Post-Office Department of the two countries, subject to the approbation of each Government, respectively.

ARTICLE IX.

In case of the misfortune of war between the two nations, the mail-service of the two Post-Offices shall continue without impediment or molestation until six weeks after a notification shall have been made on the part of either of the two Governments and delivered to the other, that the service is to be discontinued; and in such case the mail-packets of the two countries shall be permitted to return freely, and under special protection, to their respective ports.

ARTICLE X.

The respective Post-office regulations and rates of postage of each of the contracting parties shall be communicated to, and all matters of detail arising out of the stipulations of this Convention shall be settled between the General Post-office Departments of the two Republics as soon as possible after the exchange of the ratifications of the present Convention.

It is also agreed that the measures of detail referred to in this article may be modified by the two General Post-office Departments whenever, by mutual consent, those departments shall have decided that such modifications would be beneficial to the Post-office service of the two countries; and Mexico proposes, as soon as her means of internal transportation will permit, to reduce her present rates of inland postage.

ARTICLE XI.

The present Convention shall continue in force until it shall be abrogated by the mutual consent of the two contracting parties, or until one of them shall have given twelve months' previous notice to the other of a desire to abrogate it.

ARTICLE XII.

This Convention shall be ratified in conformity with the Constitutions of the two countries, and the ratification shall be exchanged at the city of Mexico within six months from the date hereof, or earlier if possible.

In witness whereof, we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents.

Done in the city of Mexico on the eleventh day of December, in the year of our Lord one thousand eight hundred and sixty-one, in the eighty-sixth year of the Independence of the United States of America, and in the forty-first of that of the United Mexican States.

THOMAS CORWIN, [L.S.]
SEB'N LERDO DE TEJADA. [L.S.]

AND WHEREAS, the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Mexico on the twentieth ultimo:

Now, therefore, be it known that I, Abraham Lincoln, President of the United States of America, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twentieth day of June, in the year of our Lord one thousand eight
[L.S.] hundred and sixty-two, and of the Independence of the United States of America the eighty-sixth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

Regulations under the Treaty, and Rates of Postage between the United States and Mexico.

POST-OFFICE DEPARTMENT, }
July 4, 1862. }

By the recent Postal Convention with Mexico, proclaimed by the President on the twentieth of June, one thousand eight hundred and sixty-two, the following rates of postage are established, of which Postmasters will take notice:

First. The single letter rate (inland three cents and sea seven cents) is ten cents per half-ounce; and for each fraction over, an additional rate; and prepayment is required. This applies to all letters sent to Mexico from the United States by sea.

Second. On all letters received from Mexico by sea the

United States domestic rate of postage is to be charged, rating them at the first United States post-office at which they are mailed to their destination, either three or ten cents per single rate. This is to be collected on delivery.

Third. On all letters sent to or received from Mexico, when not conveyed by sea, the United States domestic postage only, of three or ten cents the single rate, is to be charged. This must be prepaid at the mailing office on letters sent, and collected at the office of delivery on letters received.

Fourth. The sea rate on printed matter sent to Mexico is one cent for each newspaper and one cent per ounce (or fraction of an ounce) on all magazines, periodical publications, and other printed matter; and this is to be added, when sent by sea, to our usual inland rate of postage; and this combined rate must be prepaid at the mailing-office in the United States. When sent by land the United States inland rate of postage only is to be charged and prepaid at the mailing office.

Fifth. On all such printed matter received from Mexico only our usual inland postage is to be collected, and this must be paid in all cases on delivery at the office of address.

Sixth. These regulations must be strictly observed, as no accounts are kept with the Mexican Postal Department.

JOHN A. KASSON,
First Assistant Postmaster-General.

Convention between the United States of America and the Republic of Mexico, for the Adjustment of Claims; concluded July 4, 1868; proclaimed February 1, 1869.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.—A PROCLAMATION.

WHEREAS a convention between the United States of America and the Republic of Mexico, providing for the adjustment of the claims of citizens of either country against the other, was concluded and signed by their respective Plenipotentiaries at the city of Washington, on the fourth day of July, in the year of our Lord one thousand eight hundred and sixty-eight, which convention being in the English and Spanish languages, is word for word as follows: *

WHEREAS, it is desirable to maintain and increase the friendly feelings between the United States and the Mexican Republic, and so to strengthen the system and principles of

* The "Spanish" is omitted.

republican government on the American continent; and whereas, since the signature of the treaty of Guadalupe Hidalgo, of the 2d of February, 1848, claims and complaints have been made by citizens of the United States, on account of injuries to their persons and their property by authorities of that Republic, and similar claims and complaints have been made on account of injuries to the persons and property of Mexican citizens by authorities of the United States, the President of the United States of America and the President of the Mexican Republic have resolved to conclude a convention for the adjustment of the said claims and complaints, and have named as their plenipotentiaries, — the President of the United States, William H. Seward, Secretary of State; and the President of the Mexican Republic, Matias Romero, accredited as envoy extraordinary and Minister Plenipotentiary of the Mexican Republic to the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.

All claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of the Mexican Republic arising from injuries to their persons or property by authorities of the Mexican Republic, and all claims on the part of corporations, companies, or private individuals, citizens of the Mexican Republic, upon the Government of the United States, arising from injuries to their persons or property by authorities of the United States, which may have been presented to either Government for its interposition with the other since the signature of the treaty of Guadalupe Hidalgo between the United States and the Mexican Republic of the 2d of February, 1848, and which yet remain unsettled, as well as any other such claims which may be presented within the time hereinafter specified, shall be referred to two Commissioners, one to be appointed by the President of the United States, by and with the advice and consent of the Senate, and one by the President of the Mexican Republic. In case of the death, absence, or incapacity of either Commissioner, or in the event of either Commissioner omitting or ceasing to act as such, the President of the United States or the President of the Mexican Republic, respectively, shall forthwith name another person to act as Commissioner in the place or stead of the Commissioner originally named.

The Commissioners so named shall meet at Washington within six months after the exchange of the ratifications of this Convention, and shall, before proceeding to business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to public law, justice, and equity, without fear, favor, or affection to their own country, upon all such claims above specified as shall be laid before them on the part of the Government of the United States and of the Mexican Republic, respectively; and such declaration shall be entered on the record of their proceedings.

The Commissioners shall then name some third person to act as an umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and in each and every case in which the Commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be umpire in that particular case. The person or persons so to be chosen to be umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the Commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting, or declining, or ceasing to act, as such umpire, another and different person shall be named, as aforesaid, to act as such umpire, in the place of the person so originally named, as aforesaid, and shall make and subscribe such declaration, as aforesaid.

ARTICLE II.

The Commissioners shall then conjointly proceed to the investigation and decision of the claims which shall be presented to their notice, in such order and in such manner as they may conjointly think proper, but upon such evidence or information only as shall be furnished by or on behalf of their respective Governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective Governments in support of or in answer to any claim, and to hear, if required, one person on each side on behalf of each Government on each and every separate claim. Should they fail to agree in opinion upon any individual claim, they shall call to their assistance the umpire whom they may have agreed to name, or who may be determined by lot, as the case may be;

and such umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the Commissioners, shall decide thereupon finally and without appeal. The decision of the Commissioners and of the umpire shall be given upon each claim in writing, shall designate whether any sum which may be allowed shall be payable in gold or in the currency of the United States, and shall be signed by them respectively. It shall be competent for each Government to name one person to attend the Commissioners as agent on its behalf, to present and support claims on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The President of the United States of America and the President of the Mexican Republic hereby solemnly and sincerely engage to consider the decision of the Commissioners conjointly or of the umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him respectively, and to give full effect to such decision without any objection, evasion, or delay whatsoever.

It is agreed that no claim arising out of a transaction of a date prior to the second of February, eighteen hundred and forty-eight, shall be admissible under this convention.

ARTICLE III.

Every claim shall be presented to the Commissioners within eight months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners, or of the umpire in the event of the Commissioners differing in opinion thereupon, and then and in any such case the period for presenting the claim may be extended to any time not exceeding three months longer.

The Commissioners shall be bound to examine and decide upon every claim within two years and six months from the day of their first meeting. It shall be competent for the Commissioners conjointly, or for the umpire if they differ, to decide in each case whether any claim has or has not been duly made, preferred and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this convention.

ARTICLE IV.

When decisions shall have been made by the Commissioners and the arbiter in every case which shall have been laid before them, the total amount awarded in all the cases decided in

favor of the citizens of the one party shall be deducted from the total amount awarded to the citizens of the other party, and the balance, to the amount of three hundred thousand dollars, shall be paid at the city of Mexico or the city of Washington, in gold or its equivalent, within twelve months from the close of the commission, to the Government in favor of whose citizens the greater amount may have been awarded, without interest or any other deduction than that specified in article six of this convention. The residue of the said balance shall be paid in annual installments to an amount not exceeding three hundred thousand dollars, in gold or its equivalent, in any one year until the whole shall have been paid.

ARTICLE V.

The high contracting parties agree to consider the result of the proceedings of this commission as a full, perfect, and final settlement upon every claim upon either Government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

ARTICLE VI.

The Commissioners and the umpire shall keep an accurate record and correct minutes of their proceedings, with the dates. For that purpose they shall appoint two Secretaries versed in the language of both countries to assist them in the transaction of the business of the commission. Each Government shall pay to its Commissioner an amount of salary not exceeding forty-five hundred dollars a year in the currency of the United States, which amount shall be the same for both Governments. The amount of compensation to be paid to the umpire shall be determined by mutual consent at the close of the commission, but necessary and reasonable advances may be made by each Government upon the joint recommendation of the commission. The salaries of the Secretaries shall not exceed the sum of twenty-five hundred dollars a year in the currency of the United States. The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the commission, *provided always*, that such deduction shall not exceed five per cent on the sums so awarded. The deficiency, if any, shall be defrayed in moieties by the two Governments.

ARTICLE VII.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Mexican Republic, with the approbation of the Congress of that Republic, and the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same and have affixed thereto the seals of their arms.

Done at Washington, the fourth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

WILLIAM H. SEWARD. [L. s.]
M. ROMERO. [L. s.]

AND WHEREAS, the said convention has been duly ratified on both parts, and the respective ratifications of the same have this day been exchanged:

Now, therefore, be it known, that I, Andrew Johnson, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this first day of February, in the year of our Lord one thousand eight [L. s.] hundred and sixty-nine, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

Convention between the United States of America and the United States of Mexico. Extension of the duration of the Joint Commission for Settlement of Claims. Signed April 19, 1871; Ratified December 15, 1871; Ratifications exchanged February 8, 1872; Proclaimed February 8, 1872.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. — A PROCLAMATION.

WHEREAS, a Convention between the United States of America and the United States of Mexico was concluded and signed by their respective plenipotentiaries, at the city of Mexico, on the nineteenth day of April, in the year of our Lord one thousand eight hundred and seventy-one, for extending the time limited by the Convention between the two countries of the 4th of July, 1868, for the termination of the proceedings of the joint commission provided for by the latter instrument; which convention, being in the English and Spanish languages, is word for word as follows: *

WHEREAS a convention was concluded on the 4th day of July, 1868, between the United States of America and the United States of Mexico, for the settlement of outstanding claims that have originated since the signing of the treaty of Guadalupe Hidalgo, on the 2d of February, 1848, by a mixed commission limited to endure for two years and six months from the day of the first meeting of the commissioners; and whereas doubts have arisen as to the practicability of the business of the said commission being concluded within the period assigned:

The President of the United States of America and the President of the United States of Mexico are desirous that the time originally fixed for the duration of the said commission should be extended, and to this end have named plenipotentiaries to agree upon the best mode of effecting this object, that is to say: The President of the United States of America, Thomas H. Nelson, accredited as Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Mexican Republic; and the President of the United States of Mexico, Manuel Azpiroz, Chief Clerk and in charge of the Ministry of Foreign Relations of the United States of Mexico; who, after having presented their respective powers, and finding them sufficient and in due form, have agreed upon the following articles:

* The "Spanish" is omitted.

ARTICLE I.

The high contracting parties agree that the term assigned in the Convention of the 4th of July, 1868, above referred to, for the duration of the said commission, shall be extended for a time not exceeding one year from the day when the functions of the said commission would terminate according to the Convention referred to, or for a shorter time if it should be deemed sufficient by the Commissioners, or the Umpire, in case of their disagreement.

It is agreed that nothing contained in this article shall in any wise alter or extend the time originally fixed in the said Convention for the presentation of claims to the mixed commission.

ARTICLE II.

The present Convention shall be ratified, and the ratifications shall be exchanged at Washington, as soon as possible.

IN WITNESS WHEREOF, the above-mentioned plenipotentiaries have signed the same and affixed their respective seals.

Done in the city of Mexico the 19th day of April, in the year one thousand eight hundred and seventy-one.

THOMAS H. NELSON, [SEAL.]
MANUEL AZPIROZ, [SEAL.]

AND WHEREAS, the said Convention has been duly ratified on both parts, and the respective ratifications of the same have been exchanged :

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this eighth day of February, in the year of our Lord one
[SEAL.] thousand eight hundred and seventy-two,
and of the Independence of the United
States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State*.

Convention between the United States of America and the United States of Mexico. Revival and further extension of duration of the Joint Commission for the Settlement of Claims. Concluded November 27, 1872; ratification advised by Senate with amendment, March 9, 1873; ratified by President March 10, 1873; ratified by President of Mexico May 19, 1873; ratifications exchanged at Washington July 17, 1873; proclaimed July 24, 1873.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA — A
PROCLAMATION.

WHEREAS a Convention between the United States of America and the United States of Mexico, for further extending the time fixed by the Convention between the same parties of the fourth of July, one thousand eight hundred and sixty-eight, for the duration of the Joint Commission on the subject of Claims, was concluded and signed by their respective Plenipotentiaries, at Washington, on the twenty-seventh day of November last, which Convention, after having been amended and ratified by the contracting parties, is word for word as follows :*

WHEREAS, by the Convention concluded between the United States and the Mexican Republic on the fourth day of July, one thousand eight hundred and sixty-eight, certain claims of citizens of the contracting parties were submitted to a Joint Commission, whose functions were to terminate within two years and six months, reckoning from the day of the first meeting of the Commissioners; *And whereas* the functions of the aforesaid Joint Commission were extended, according to the Convention concluded between the same parties on the nineteenth day of April, one thousand eight hundred and seventy-one, for a term not exceeding one year from the day on which they were to terminate according to the first Convention; *And whereas* the possibility of said Commission's concluding its labors even within the period fixed by the aforesaid Convention of April nineteenth, one thousand eight hundred and seventy-one, is doubtful.

Therefore, the President of the United States of America and the President of the United States of Mexico, desiring that the terms of the afore-mentioned Commission should be again extended, in order to attain this end, have appointed, the President of the United States, Hamilton Fish, Secretary of State, and the President of the United States of Mexico, Ignacio Mariscal, accredited to the Government of the United States as Envoy Extraordinary and Minister Plenipotentiary of said United States of Mexico, who, having exchanged their

*The "Spanish" omitted.

respective powers, which were found sufficient and in due form, have agreed upon the following articles :

ARTICLE I.

The high contracting parties agree that the said Commission be revived and that the time fixed by the Convention of April nineteenth, one thousand eight hundred and seventy-one, for the duration of the Commission aforesaid, shall be extended for a term not exceeding two years from the day on which the functions of the said Commission would terminate according to that Convention, or for a shorter time if it should be deemed sufficient by the Commissioners or the umpire, in case of their disagreement.

It is agreed that nothing contained in this article shall in any wise alter or extend the time originally fixed in the said Convention for the presentation of claims to the Commission.

ARTICLE II.

The present Convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the above-named Plenipotentiaries have signed the same and affixed their respective seals.

Done in the city of Washington the twenty-seventh day of November, in the year one thousand eight hundred and seventy-two.

HAMILTON FISH, [SEAL.]
IGNO. MARISCAL. [SEAL.]

AND WHEREAS the said Convention, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington on the seventeenth instant :

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-fourth day of July, in the year of our Lord one thousand [SEAL.] eight hundred and seventy-three, and of the Independence of the United States the ninety-eighth.

U. S. GRANT.

By the President :

J. C. BANCROFT DAVIS,
Acting Secretary of State.

Convention between the United States of America and the Republic of Mexico, for regulating the Citizenship of Emigrants; Concluded July 10, 1868; Proclaimed February 1, 1869.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA — A
PROCLAMATION.

WHEREAS a Convention between the United States of America and the Republic of Mexico, for the purpose of regulating the citizenship of persons who may emigrate from one country to the other, was concluded and signed by their respective Plenipotentiaries, at the city of Washington, on the tenth day of July, in the year of our Lord one thousand eight hundred and sixty-eight, which Convention as amended, and being in the English and Spanish languages, is word for word as follows:*

The President of the United States of America and the President of the Republic of Mexico, being desirous of regulating the citizenship of persons who emigrate from Mexico to the United States of America, and from the United States of America to the Republic of Mexico, have decided to treat on this subject, and with this object have named as their Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and the President of Mexico, Matias Romero, accredited as Envoy Extraordinary and Minister Plenipotentiary of the Republic of Mexico near the Government of the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Those citizens of the United States who have been made citizens of the Mexican Republic by naturalization, and have resided without interruption in Mexican territory five years, shall be held by the United States as citizens of the Mexican Republic, and shall be treated as such. Reciprocally, citizens of the Mexican Republic who have become citizens of the United States, and who have resided uninterruptedly in the territory of the United States for five years, shall be held by the Republic of Mexico as citizens of the United States, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization. This article shall

* The "Spanish" omitted.

apply as well to those already naturalized in either of the countries contracting as to those hereafter naturalized.

ARTICLE II.

Naturalized citizens of either of the contracting parties, on return to the territory of the other, remain liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitations established by his original country.

ARTICLE III.

The Convention for the surrender in certain cases of criminals, fugitives from justice, concluded between the United States of America of the one part, and the Mexican Republic on the other part, on the eleventh day of December, one thousand eight hundred and sixty-one, shall remain in full force without any alteration.

ARTICLE IV.

If a citizen of the United States naturalized in Mexico renews his residence in the United States without the intent to return to Mexico, he shall be held to have renounced his naturalization in Mexico. Reciprocally, if a Mexican naturalized in the United States renews his residence in Mexico without the intent to return to the United States, he shall be held to have renounced his naturalization in the United States.

The intent not to return may be held to exist when the person naturalized in the one country resides in the other country more than two years, but this presumption may be rebutted by evidence to the contrary.

ARTICLE V.

The present Convention shall go into effect immediately on the exchange of ratifications, and it shall remain in full force for ten years. If neither of the contracting parties shall give notice to the other six months previously of its intention to terminate the same, it shall further remain in force until twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by the President of the United States by and with the advice and consent of

the Senate thereof, and by the President of the Mexican Republic with the approval of the Congress of that Republic, and the ratifications shall be exchanged in Washington within nine months from the date hereof.

In faith whereof, the Plenipotentiaries have signed and sealed this convention at the city of Washington, this tenth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

WILLIAM H. SEWARD, [L. s.]
M. ROMERO. [L. s.]

AND WHEREAS, the said convention, as amended, has been duly ratified on both parts, and the respective ratifications of the same have this day been exchanged :

Now, therefore, be it known, that I, Andrew Johnson, President of the United States of America, have caused the said convention to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this first day of February, in the year of our Lord one thousand [L. s.] eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON. *

By the President :

WILLIAM H. SEWARD,
Secretary of State.

RULES OF THE SUPREME COURT.

RULES
OF THE
SUPREME COURT
OF THE
TERRITORY OF ARIZONA.

ADOPTED FEBRUARY 6, A. D. 1875.

RULE 1. Applicants for license to practice as Attorneys and Counselors will be examined in open court on the first day of the term and on that day only unless the Court, for cause, shall otherwise order.

RULE 2. In all cases where an appeal has been perfected and the statement filed (if there be one), the transcript of the record shall be filed within forty days after the appeal is perfected, but where the transcript shall have been filed on or after the first day of the term, such case shall not be placed on the calendar except as provided in Rule 14.

RULE 3. If the transcript of the record be not filed within the time prescribed, the appeal may be dismissed, on motion, during the first week of the term without notice. A cause so dismissed may be restored, during the same term, upon good cause shown on notice to the opposite party, and unless so restored the dismissal shall be final.

RULE 4. On such motion there shall be presented the certificate of the Clerk below under the seal of the Court, certifying the amount or character of the judgment, the date of its rendition, the fact and date of the filing of the notice of appeal, together with the fact and date of service thereof on the adverse party and the character of the evidence by which said service appears, the fact and date of filing the undertaking on appeal, and that the same is in due form, the fact and the time

of the settlement of the statement if there be one, and also that the appellant has received a duly certified transcript, or that he has not requested the Clerk to certify to a correct transcript of the record, or if he has made such request that he has not paid the fees therefor, if the same have been demanded.

RULE 5. All transcripts of cases hereafter sent to this Court shall be written or printed on white writing paper, if such paper can be procured, with a margin on the outer edge of not less than one inch wide. The folios shall be numbered from the commencement to the end, and the numbering of the folio shall be written or printed on the left margin of the page.

RULE 6. The pleadings, proceedings and statement shall be chronologically arranged in the transcript, and each transcript shall be prefaced with an alphabetical index to its contents specifying the folio of each separate paper, order or proceeding, and the testimony of each witness.

RULE 7. Whenever a map or survey forms part of the transcript, it shall not be necessary to furnish more than one copy thereof, which shall be annexed to the transcript filed with and certified by the Clerk ; reference thereto may be made in the other copies.

RULE 8. No transcript, or other paper or document, which fails to conform to the requirements of these rules shall be filed by the Clerk.

RULE 9. The transcript duly certified by the Clerk of the Court, from which the appeal is taken, shall be filed in this Court, and the party filing the same shall, before the time set for the argument of the case, deposit with the Clerk of this Court one copy of the transcript for each of the justices thereof. When written or printed by the party, he shall, at or before the time of filing the same, serve a copy thereof on the attorney of the adverse party ; and if there be more than one adverse party, appearing by different attorneys, on the attorney of each party so appearing.

RULE 10. The expense of writing or printing transcripts, and copies thereof, shall be allowed as costs, and taxed in bills of costs in the usual mode, and twenty cents per folio of one hundred words shall be allowed for the transcript, and ten cents per folio of one hundred words for each copy thereof furnished as required by the rules.

RULE 11. For the purpose of correcting any error or defect in the transcript from the Court below, either party may suggest the same in writing, and, upon good cause shown, obtain an order, that the proper Clerk certify to this Court the whole or part of the record, as may be required. If the attorney or counsel of the adverse party be absent, or the fact of the alleged error or defect be disputed, the suggestion must be accompanied by an affidavit, showing the existence of the error or defect alleged, and such suggestion must be made as soon as practicable after the error or defect shall have been discovered.

RULE 12. Exceptions to the transcript, statement, the bond or undertaking on appeal, or to the notice of appeal, or to its service or proof of service, or any technical objection to the record affecting the rights of the appellant to be heard on the points of error assigned, must be taken at the first term after the transcript is filed, and must be noted in writing, and filed at least one day before the argument, or they will not be regarded. In such case, the objection must be presented to the Court before the argument on the merits.

RULE 13. Upon the death or other disability of a party pending an appeal, his representative shall be substituted in the suit by suggestion in writing to the Court on the part of such representative or of any party. Upon the entry of such suggestions an order of substitution shall be made, and the cause shall proceed as in other cases.

RULE 14. The calendar of each term shall consist of those causes in which the transcript shall have been filed and served on the Attorneys of the adverse party five days before the commencement of the term, unless by the written consent of the parties, *provided* that all cases in which the appeal is perfected previous to the commencement of the term of Court, or during the term thereof, and the statement settled (if there be one), and the transcript shall be filed by either party, shall be placed on the calendar on motion of either party in the discretion of the court, and any cause so placed on the calendar shall be heard and determined before the adjournment of said Court, or the appeal shall be dismissed unless the Court for good cause shall otherwise direct. After a cause is placed on the calendar the respondent may move the Court to have the appeal dismissed, upon the ground that the same was taken for delay; and if it shall appear to the Court upon the inspection of the record, or upon affidavits submitted by the parties that it was so taken, the Court shall dismiss the appeal,

and add to the costs such damages as may be just, as provided by section 347, chapter 48 of compiled laws, "of proceedings in civil cases."

RULE 15. All causes shall be heard in the order of the date of perfecting the appeal therein, and all the causes shall be set on the calendar in the same order, except causes in which the Territory is a party, which shall be placed at the head of the calendar.

RULE 16. At least one day before the argument, both the appellant and respondent shall furnish to each other a written or printed copy of his points and authorities, and at the commencement of the argument shall deposit with the Clerk one written or printed copy for each of the Justices of this Court, one to be filed with the record of the case, and one for the use of the reporter.

RULE 17. When briefs or arguments are filed, the same shall be written or printed, and one copy shall be filed in the case, one copy for each of the Justices of this Court, one copy deposited with the Clerk for the reporter, and a copy shall be served on the attorney of the adverse party.

RULE 18. In all cases where a paper or document is required by these rules to be written or printed, it shall be written or printed upon similar paper, and in the same style and form (except the numbering of the folios in the margin) as is prescribed for the printing of transcripts.

RULE 19. No more than two counsel on a side will be heard upon the argument, except in peculiar and important cases; but each defendant who has appeared separately in the Court below may be heard through his own counsel. The counsel for the appellant shall be entitled to open and close the argument.

RULE 20. Each opinion delivered by the Court shall, after the expiration of twenty days from the time it is filed with the Clerk, be recorded by the Clerk, who shall, after recording the same, deliver a copy thereof, with a transcript of the judgment, order or decree of the Court, to the reporter, unless a petition for a rehearing be pending, and he shall be allowed twenty cents per folio for such recordation, and twenty cents per folio for the copy.

RULE 21. All motions for a rehearing shall be upon petition, which shall be written or printed and filed within fifteen days

after the judgment is rendered or order made ; no argument will be heard upon the petition. The petition shall operate as a stay of proceedings until the decision of the motion, or until the further order of the Court. No petition for rehearing shall be filed by the Clerk after the expiration of the time prescribed by this rule, or such further time as shall have been allowed by this Court or the Justices thereof, and such motion for rehearing shall be disposed of at the same term.

RULE 22. No remittitur in the Court below shall issue until after the expiration of the time allowed by the last rule to file a petition for rehearing, unless upon good cause shown after notice to the opposite party, or by written consent of the parties filed with the Clerk.

RULE 23. In all cases where notice of a motion is necessary, unless for good cause shown, the time is shortened by an order of one of the Justices of this Court, the notice shall be five days.

RULE 24. Where a judgment is reversed or modified, a certified copy of the opinion in the case shall be transmitted with the remittitur to the Court below.

RULE 25. No paper shall be taken from the Court-room, or the Clerk's office, except by order of the Court or of one of the Justices. No order will be made for leave to withdraw a transcript for examination except upon written consent to be filed with the Clerk.

RULE 26. No writ of error or certiorari shall be issued except upon order of one of the Justices upon petition, showing a proper cause for issuing the same.

RULE 27. When a writ of error is issued, upon filing the same and a sufficient bond or undertaking with the Clerk of the Court below, and upon giving notice thereof to the opposite party or his attorney, and to the Sheriff, it shall operate as a supersedeas. The bond or undertaking shall be substantially the same as required in cases on appeal.

RULE 28. The writ of error shall be returnable within thirty days, unless otherwise specially directed.

RULE 29. The rules and practices of this Court respecting appeals, shall apply so far as the same may be applicable to proceedings upon a writ of error.

RULE 30. The writ shall not be allowed after the lapse of one year from the date of the judgment, order or decree, which is sought to be reviewed, except under special circumstances.

RULE 31. When causes are placed upon the calendar, each of the parties, appellant and respondent, shall be primarily liable for his own costs, and the Clerk or other officer shall not be required to perform any service for either party unless his fees for such be paid in advance if demanded. And either party may have a remittitur issued upon payment of all his own costs, including the cost of the remittitur. This rule shall not apply to criminal causes.

RULE 32. All causes regularly on the calendar may be brought to a hearing by either party when called in their order, upon the day for which said causes have been previously set, or as soon thereafter as they may be reached in the regular call without further notice than is contained in the apportionment of the calendar made by the Clerk or Court, and on such call of the calendar, if no counsel appear for the appellant, and no brief or statement of points and authorities on behalf of the appellant is on file, the appeal will be dismissed or judgment affirmed, in the discretion of the Court, on motion of the respondent.